







Journal of the Council of the  
**First** Legislative Assembly  
of the Territory of Iowa  
held in Burlington  
Nov. 12, 1838 – Jan. 25, 1839 (with index)

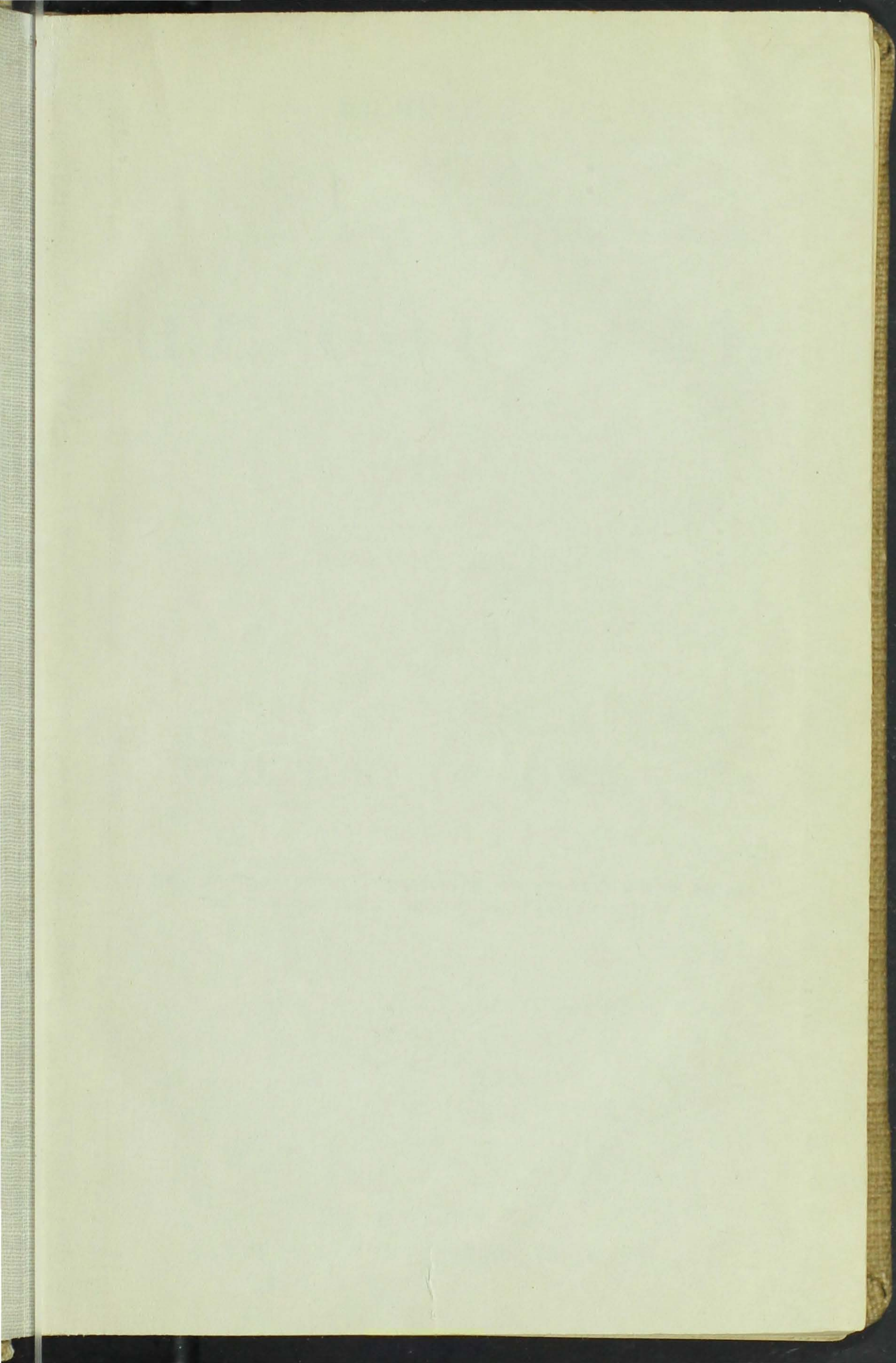
Journal of the Council of the  
**Second** Legislative Assembly  
of the Territory of Iowa  
held in Burlington  
Nov. 4, 1839 – Jan. 17, 1840 (with index)  
(Includes lengthy message from  
Territorial Gov. Robert Lucas)

Journal of the Council of the  
**Fourth** Legislative Assembly  
of the Territory of Iowa  
held in Iowa City  
Dec. 6, 1841 – Feb. 18, 1842 (with index)















JOURNAL  
OF  
THE COUNCIL  
OF THE  
FIRST LEGISLATIVE ASSEMBLY  
OF THE  
TERRITORY OF IOWA,

BEGUN AND HELD AT THE CITY OF BURLINGTON, ON THE TWELFTH DAY OF NOVEMBER, ONE THOUSAND EIGHT HUNDRED AND THIRTY-EIGHT.

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DU BUQUE:  
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.....  
1839.



JOURNAL

JOURNAL

# THE CONSTITUTION

OF THE

FIRST LEGISLATIVE ASSEMBLY

OF THE

## TERRITORY OF IOWA

AND MEET AT THE CITY OF DES MOINES, ON THE TWENTY-THIRD DAY OF JANUARY, 1845.

BY ORDER

ROBERT A. REED, CLERK



# JOURNAL

OF

## THE COUNCIL

OF THE

### LEGISLATIVE ASSEMBLY OF IOWA TERRITORY,

Begun and held at the City of Burlington, in the county of Des Moines, on Monday the 12th day of November, in the year of our Lord one thousand one thousand eight hundred and thirty-eight, being the first session of the Legislative Assembly convened under the provisions of an act of the Congress of the United States, approved 12th day of June, 1838, entitled "An Act dividing the Territory of Wisconsin, and establishing the Territorial Government of Iowa." On which day, being that appointed by the Governor for the meeting of the Legislative Assembly, the members of the Council in attendance, convened in the Council Chamber, and a quorum being present proceeded to organize, pro tempore.

On motion of Mr. Payne,

ARTHUR INGHAM was appointed President, pro tem.

On motion of Mr. Payne,

B. F. WALLACE was appointed Secretary, pro tem.

On motion of Mr. Hempstead,

GEORGE W. HARRIS was appointed Sergeant-at-arms, pro tem.

On motion of Mr. Payne,

G. W. PATTERSON was appointed Door-keeper, pro tem.

On motion of Mr. Parker,

Resolved, That a committee be appointed to inform the House of Representatives, that they were now organized, pro tempore, and ready to receive communications.

Whereupon the chair appointed Messrs. Parker, Browne, and Hempstead said committee.

A message was received from the House of Representatives informing the Council that they were now organized, pro tempore, and were ready to proceed to business.



On motion of Mr. Payne,

Resolved, That a committee of two be appointed to act with a similar committee on the part of the House of Representatives, to wait upon and inform his Excellency, the Governor of the Territory, that the members of the two Houses are convened and in organization, *pro tempore*, ready to be sworn into office, and to receive any communication he may have to make to them.

The chair appointed Messrs. Payne and Lewis said committee.

The committee appointed to wait upon his Excellency the Governor, Report: That they have discharged that duty, and that it will suit his Excellency to meet the two Houses of the Legislative Assembly in the Hall of the House of Representatives, within thirty minutes.

The following message was received from the House of Representatives.

Resolved, That the House of Representatives are now, preparatory to the reception of the Governor, ready to receive the Council, and that seats are provided for them on the left of the Speaker's chair.

On motion of Mr. Hempstead,

Resolved, That the Council do now repair to the Hall of the House of Representatives.

The Governor being introduced, proceeded to administer the oath of office to the members of the Council in the following order, viz: From the county of

Lee—JESSE B. BROWNE,

Henry—JESSE D. PAYNE,

Des Moines—ARTHUR INGRAM, ROBERT RALSTON, GEORGE HEPNER,

Muscatine, &c.—JAMES M. CLARKE,

Scott & Clinton—JONATHAN W. PARKER,

Jackson, Du Buque, &c.—WARNER LEWIS, STEPHEN HEMPSTEAD.

After which, his Excellency, the Governor, proceeded to deliver the following message:

GENTLEMEN OF THE COUNCIL AND HOUSE OF

REPRESENTATIVES, OF THE LEGISLATIVE ASSEMBLY:

Through the intervention of Divine Providence, we have been permitted to convene at this time, for the purpose of organizing the first Legislative Assembly, under the provisions of an act of Congress, passed the 12th day of June, A. D. 1838, entitled "An act to divide the Territory of Wisconsin, and to establish the Territorial Government of Iowa."

This act must be viewed by us, as the constitutional charter of the Territory; it prescribes our powers, defines our duties, directs our actions, and points out our rights and privileges. It declares that the Legislative power shall be vested in the Governor and a Legislative Assembly, and shall extend to all rightful subjects of legislation. This declaration brings within the power of the Legislature all subjects that



relate to the organization of the local government of the Territory, (that does not contravene the act of Congress, or the Constitution of the United States;) all subjects that relate to the protection and preservation of the lives, liberties, property, and the reputation of the people of the Territory; the punishment of crimes, misdemeanors, and immoral practices, and such other subjects as tend to the advancement of the public good, the general improvement of the country, and the promotion of the peace, happiness, and prosperity of the people.

This important trust has been reposed in us by our country, and we have taken the most solemn obligations faithfully and impartially to perform the same. When we consider that the eyes of the people of the United States are upon us—that they have an interest in this Territory and feel an anxious solicitude for its prosperity, (which must either be advanced or retarded by our acts,) and view the immense importance of laying a good foundation of jurisprudence, and preparing a system of laws wisely adapted to our situation and interest, and reflect that the convenience, prosperity, and happiness of the people are intimately connected with the local organization of the Territory, in all its various ramifications, we are impressed with a sense of the weight of responsibility imposed upon us, and are led to ask aid from that Providence who has hitherto sustained us; whom we view as the Governor of the Universe, the Author of all good, and the Fountain of every blessing, and sincerely implore his protecting care over us, and pray that he may inspire us, as well as all who may succeed us in authority, with wisdom to perceive, judgment to determine, and energy to execute such measures as will advance to the greatest degree of prosperity, the physical, political, intellectual, and moral condition of this pleasant land and interesting Territory.

Gentlemen,—having called you together at this time for the purpose of aiding by your deliberations, in perfecting the local organization of the Government of this Territory, it becomes my duty to present to your consideration such subjects as are deemed most essential to the accomplishment of that object, and to recommend such a course of proceedings as are deemed most advisable under existing circumstances.

The laws of Wisconsin are declared to be in force in this Territory, so far as they are not incompatible with the organic law.—But when we consider their incompatibility in many respects with that law, and the confusion into which they are thrown by being blended with the laws of Michigan, which are incompatible and conflicting in many points, we are satisfied that our Territory can derive no benefit from them, and that our most advisable course of action will be, to proceed to organize the local Government of the Territory in conformity to the organic law, and to adapt all our laws to suit the situation and interests of the Territory, without reference to the laws of either Wisconsin or Michigan.

Under this impression, I will call your attention in an especial man-



ner to various subjects, deemed indispensable to the local organization of the Government under the organic law.

The subject of providing by law for the organization of townships, the election of township officers, and defining their powers and duties, I consider to be of the first importance and almost indispensable in the local organization of the Government. Without proper township regulations it will be extremely difficult, if not impracticable, to establish a regular school system. In most of the States where a common school system has been established by law, the trustees of townships are important agents in executing the provisions of the laws. To them are entrusted the care and superintendence of the schools, lands of their respective townships, the division of townships into school districts, and various other duties relating to building school houses, the organization of school districts, and the support of schools in their respective townships.

The 12th section of the act of Congress, establishing our Territory declares, "That the citizens of Iowa shall enjoy all the rights, privileges, and immunities heretofore granted and secured to the Territory of Wisconsin and its inhabitants." This extends to us all the rights, privileges, and immunities specified in the ordinance of Congress of the 13th of July, 1787.

The third article of this ordinance declares, "That religion, morality, and *knowledge*, being necessary to good government and the happiness of mankind, *schools* and the means of education shall forever be encouraged." Congress, to carry out this declaration, have granted one section of land in each township to the inhabitants of such township for the purpose of schools therein.

There is no subject to which I wish to call your attention more emphatically, than the subject of establishing, at the commencement of our political existence, a well digested system of common schools, and as a preparatory step towards effecting that important object, as well as the consideration of numerous other advantages that must flow from the measure, I urge upon your consideration the necessity of providing by law for the organization of townships.

The seventh section of the act of Congress organizing our Territory declares, that all county officers, except judicial officers, justices of the peace, sheriffs and clerks of courts, shall be elected by the people; and in the 16th section it is declared, that all justices of the peace, constables, sheriffs, and *all other executive and judicial officers* who were in office on the 3d of July last, should be authorized and required to continue to exercise and perform the duties of their respective offices as officers of the Territory of Iowa, *temporarily*, and until they or others should be duly appointed to fill their places in the Territorial government of Iowa; with a proviso, that no officer should hold or continue in office by virtue of that provision over twelve months from the said 3d day of July.

By the foregoing provision in the 7th section it will be perceived



that all officers that partake of the character of county officers, except judicial officers, justices of the peace, sheriffs and clerks of courts, are to be elected by the people. The proviso in the 16th section declares, that officers shall hold their office temporarily; and after enumerating justices of the peace, constables and sheriffs, uses the general term, *all other executive and judicial officers*. From an examination of the sections above stated, it will be perceived that there are doubts as to the rights of certain officers to act under former appointments after the 3d of July. To remove these doubts and to secure the election of other officers by the people, that have heretofore been appointed by the Executive and Council, I would recommend a revision of all laws that relate to the organization of counties, and the appointment of county officers, so as to comply strictly with the organic law of Congress. I would also recommend a revision of all laws that relate to the powers and duties of executors, administrators, and guardians, as well as the laws relating to the levying and collecting of county and Territorial taxes.

The ninth section of the organic law declares, that "the judicial power of the Territory shall be vested in a supreme court, district courts, probate courts, and in justices of the peace; and that the jurisdiction of these several courts, both appellate and original, and those of the probate courts and of the justices of the peace, shall be as limited by law," with a prohibitory provision excluding from the jurisdiction of justices of the peace controversies where the title or boundary of land may be in dispute, or where the debt or sum claimed exceeds fifty dollars.

This is the most important subject that will be presented to your consideration, and will require much deliberation in arranging the different courts, and in assigning to each their appropriate powers and duties. Justices' courts are the first in order, and in them the people are more generally interested than the higher courts. Justices of the peace by virtue of their office are conservators of the peace, arbiters in matters of controversy to the amount of fifty dollars, and are the collecting officers of debts to this amount; they are the legitimate guardians of the public peace and the rights of individuals. It will therefore become an important duty (and one that will require much deliberation in its performance) to arrange the details of an act defining specifically the powers, and regulating the duties of justices of the peace and constables, in civil as well as criminal cases. The importance of this subject will demand your early attention and deliberate consideration. The duties of probate courts, though less complicated, are of great interest to the community, and will also require much care and attention in arranging the provisions of an act, prescribing the powers and defining the duties of these courts. A revision of former laws on this subject is deemed indispensable in arranging systematically the judicial organization of the Territory.

The subject of organizing the judicial courts of the Territory, pre-



scribing their powers, defining their duties and regulating their practice, is one of the greatest magnitude. It embraces an entire system of jurisprudence, and in its various ramifications extends its influence to every department of government and class of community.

In laying the foundation of a system of jurisprudence in the Territory, would it not be advisable to unite our exertions in simplifying not only our laws, but the rules of practice and proceedings in the various courts of justice within the Territory, and to exclude therefrom as much as practicable, every thing of a fictitious or ambiguous character? In my opinion the proceedings in our courts of justice should be concise, void of technical fiction, and always directed to the merits of the cause in controversy. The establishment of such a rule of practice at the commencement of our Territorial government, I am satisfied, would be attended with the most beneficial effects. I therefore earnestly submit these suggestions to the consideration of the Legislative Assembly.

In arranging our judicial system, it will become necessary to revise the laws regulating the duties and defining the powers of sheriffs, constables, and other ministerial officers; also, the laws regulating judgments and executions; but in the consideration of these laws, I trust that the odious principle of imprisonment for debt, either on mesne or final process, (except in cases of evident intended fraud) will not be permitted to enter into your deliberations, and that that relic of the barbarous ages that has been permitted to remain as a blot on the laws of some of the States, will never be permitted to soil the pages of the statutes of Iowa.

I would also recommend to your consideration the propriety of adopting a general road system, defining the manner of laying out and establishing Territorial and county roads, and to provide for opening and keeping them in repair; and also, the revision of the laws regulating elections, so as to conform in all respects to the acts of Congress organizing the Territory.

The compilation of a criminal code, so as to graduate properly the various crimes and offences, and to apply suitable punishment to each, in proportion to their enormity, is a subject of deep interest to the community. It is one which of late has occupied the attention of some of the greatest statesmen and philanthropists of the age; and the general conclusion has been, that sanguinary punishments do not tend to lessen crime, and that the general policy of all criminal laws should be to prevent crimes, rather than to inflict punishment, and that all punishments should be inflicted with a view to reform, rather than exterminate the criminal. In these conclusions I heartily concur, and would wish to see confinement at hard labor, for life, substituted in all cases, in lieu of capital punishment, when suitable prisons for the purpose can be had; but in our present situation we will necessarily be compelled to adopt more sanguinary punishments than would be advisable had we a suitable penitentiary in the Territory. But, be-



ing sensible of the deleterious effects of public executions, I would commend to your consideration the propriety of providing by law, for executing capital punishment (should such punishment be necessary) privately, in the county prison, in the presence of the sheriff, and such other persons as the court passing sentence might direct.

In preparing a system of criminal jurisprudence, the whole catalogue of vices, from the highest crime to petty misdemeanors, pass in review, that appropriate punishment may be attached to each offence, in proportion to its injurious effects upon society; and we frequently see the most disastrous consequences proceed from practices, that in some places are considered as only fashionable vices—namely: *gambling and intemperance*.

These two vices may be considered the fountains from which almost every other crime proceeds, as the statistical reports of many of the penitentiaries conclusively show. They have produced more murders, robberies, and individual distress, than all other crimes put together: this is evident, when we consider the many thousands that annually destroy themselves, and bring their families to beggary and wretchedness, by pursuing these vices: for surely there can be no murder of a deeper moral dye than self murder; and no robbery of a more heinous character, than the robbery of our own families. Could you in your wisdom devise ways and means to check the progress of gambling and intemperance in this Territory, you will perform an act that would immortalize your names and entitle you to the gratitude of posterity.

The recent transaction in this city, that deprived the Legislative Assembly of one of its members elect, as well as all other transactions of a similar character, should meet with the indignant frown of every friend of morality and good order in community; and the practice of wearing concealed about the person, dirks, pistols, and other deadly weapons, should not only be considered disreputable, but criminal, and punished accordingly. There certainly cannot be a justifiable excuse offered for such a practice; for in a civil community, a brave man never anticipates danger, and an honest man will always look to the laws for protection.

It has been frequently said, "that to be prepared for war, is the most effectual way to secure peace." This declaration may be emphatically applied to our present situation.

The numerous hordes of warlike Indians occupying our northern and western boundaries, and the restless disposition manifested by some of them, should admonish us to be prepared to defend the Territory against attacks from any quarter, under any circumstances and on all emergencies.

Should the Indians be disposed to hostilities, our frontier from St. Peters to Missouri, would be exposed, and from the position of the United States' troops, we need expect but little or no assistance from



them; thus situated, it becomes our duty to prepare to defend ourselves against any possible attack from our Indian neighbors.

This preparation can only be effected by efficiently organizing and disciplining the Militia of the Territory. I am fully satisfied that were the Militia of the Territory properly organized, equipped and disciplined, that we could defend ourselves against any Indian force that could be brought against us. I therefore call the attention of the Legislative Assembly in an especial manner to this subject, and request that they may pass a law giving to the Militia of the Territory a perfect organization, so as to render them a prompt and efficient defence.

In arranging the details of a Militia law, it should be explicit—1st, in its organization; 2d, in the distribution of powers and duties to the officers and privates—3d, the fines and penalties imposed, and the punishments to be inflicted for neglect of duty; vesting in the different grades of officers certain discretionary powers, and holding them strictly accountable for an abuse of them.

I would recommend that the Territory at first, be divided into three divisions, six brigades, and twelve regiments—and that you provide by law, for raising and organizing one company of Artillery in each division, and one company of Rangers to each regiment, to be mounted and armed with rifles, rifle pistols, and short swords. These Rangers would be most efficient against an Indian force, were they armed with Hall's carbines, a brace of rifle pistols with holsters and cartridge boxes, containing cartridges, suited to the bore of the pistols; and when dismounted to have the pistols in a belt, and a short sword. This sword to be most formidable in Indian fighting, should be a short blade about 18 inches in length, strong and double edged, to be used as occasion might require, either to cut away the brush, vines or other obstacles in pursuing the Indians into their hammocks or places of retreat, or as a weapon of defence in close combat with an enemy.

I am satisfied that troops thus organized, equipped *and disciplined, expressly for Indian fighting*, WITH STRICT DIRECTIONS NEVER TO THROW AWAY A FIRE, *nor to halt in pursuit*, first using their *rifles*, then *their pistols*, and as the last resort, their *swords*, would be more than an equal match for an equal number of the most efficient Indian warriors that ever assembled upon our frontier.

In view of our present situation I would recommend to your consideration the propriety of memorializing Congress, to provide us with three six pound brass pieces of cannon, with carriages and equipments complete, and one thousand Hall's carbines, with two thousand rifle pistols with holsters and cartridges boxes complete, and one thousand short swords, with scabbards and belts; and that government would establish a *depot* of arms and ammunition, at some suitable place within the Territory.

It becomes our duty to provide by law for dividing the Territory into three judicial districts, to assign to each judge his appropriate dis-



trict, and to define the time and place of holding district courts in each of the respective counties within the Territory.

When we take into consideration the local excitements that frequently arise in neighborhoods, on the subject of division of counties, the alteration of county lines, and the location of county seats, I am satisfied that much benefit would result to the community, were the whole of the surveyed part of the Territory laid out into counties of a uniform size, and so bounded as to preclude any subsequent subdivision, or alteration of the boundaries; and the seats of justice established in each (where such seats of justice have not already been established by law) by disinterested commissioners to be appointed for the purpose.

A general law on this subject, well arranged in its details, could not fail in a great measure, to prevent those local excitements that too frequently disturb the harmony of neighborhoods, and retard the general improvement and prosperity of the country. I therefore solicit your attention to this subject, and hope that a general law may be passed the present session in accordance with the foregoing suggestions.

It also becomes our duty to provide by law for taking the census of the Territory at certain periods, and to apportion the members of the Council and House of Representatives among the several counties and districts, in proportion to the population, as well as to fix by law, the time of the regular annual meeting of the Legislative Assembly. This subject will require your early attention.

The 13th section of the organic law or constitutional charter of the Territory, declares—"that the Legislative Assembly of the Territory shall hold its first session at such time and place in the Territory, as the Governor shall appoint and direct, and at said session, or as soon thereafter as may by them be deemed expedient, the said Governor and Legislative Assembly shall proceed to establish the seat of Government for said Territory, at such place as they may deem eligible; which place, however, shall thereafter be subject to be changed by the said Governor and Legislative Assembly."

And the sum of twenty thousand dollars is granted to be applied by the Governor and Legislative Assembly, to defray the expenses of erecting public buildings at the seat of Government.

This subject has excited to a considerable degree, conflicting interests and local feelings, in various parts of the Territory. But I can perceive no good reason for such conflicting interests. In settling this question every interest of a local or private character should be excluded from our deliberations.

It is a question purely of public concern. The United States are the proprietors *in fee* of all the land in the Territory, to which the Indian title has been extinguished. Every part of the Territory is equally susceptible of a dense population: and in granting the appropriation to be applied in erecting public buildings at the seat of Gov-



ernment, Congress had reason to expect the expenditure to be made at a point, that would advance to the greatest degree, both the present and future prosperity of the Territory.

I am convinced that there is no way in which we can discharge the duty imposed upon us by this section, satisfactorily to the community at large, or, to promote the general interest of the Territory so well, as to provide by law for the appointment of three disinterested men, of known integrity and weight of character, and to vest them with authority to take the subject into consideration, and to fix upon a place for the seat of Government of the Territory; and their report being returned to the Secretary of the Territory, that such report shall be considered conclusive, and the public buildings erected at the place provided for in such report.

I am clearly of the opinion that the foregoing is the only method by which the seat of Government of the Territory can be satisfactorily established. By this method, the interest of every part of the Territory will be consulted, and strict justice administered to the whole; and with this impression, I urge it upon your consideration, and solicit a calm and impartial investigation of the same.

Gentlemen, the foregoing suggestions embrace such acts as are deemed indispensable to the organization of the Territory. There are doubtless many other subjects of a more local character, that will present themselves to your consideration.

The compilation and enactment of a complete code of laws, particularly adapted to our situation and interest, would require more time and deliberation, than is allotted to the Legislative Assembly during its session. And, indeed, experience has taught us, that it is impracticable to digest, report, and enact a complete code of laws during the session of a Legislative body.

I would therefore suggest for your consideration, as a subject of the greatest importance to the future prosperity of the Territory, the appointment of a committee not to exceed three persons, of known legal experience and weight of character, to digest and prepare a complete code of laws during the recess of the Legislature, and to report them for consideration and enactment at the ensuing session. By pursuing this method, in the course of two years we will be released from the ambiguity of existing laws, and our system of jurisprudence will be established upon a firm foundation, peculiarly adapted to the situation, interests, habits, and wants of our citizens.

When we consider the general liberality of the present government heretofore manifested towards her minor children, we may reasonably anticipate that the same liberality will be extended to her youngest daughter, Iowa. I therefore suggest the expediency of respectfully memorializing Congress to grant to the Territory an appropriation sufficient to erect a Penitentiary in the Territory, for the confinement of convicts that may be sentenced for a violation of the penal laws of the Territory, as well as those who may be convicted for a



violation of the laws of the United States. Also, respectfully to ask an appropriation of land for literary purposes, equal to the grant made last session to the Territory of Wisconsin.

An appropriation of five thousand dollars was made by Congress to be expended, under the direction of the Governor, in the purchase of a library for the Territory. Previous to leaving Ohio, in June last, (with the assistance of several literary friends,) I made out a catalogue of such standard works as are deemed most important as the foundation of a public library, and put the catalogue into the hands of an agent in Cincinnati to make the purchase for me. Those books that could be procured in the western country, have been purchased and have been at Cincinnati for some time, waiting to be forwarded the first rise of water in the Ohio river. By advices from Cincinnati, I learn that the agent has been for some time in the eastern cities, where he will complete the purchases to the extent of the appropriation. As soon as the Ohio river is navigable, we may expect the arrival of those books that have been purchased, and the remainder of the library as soon thereafter as practicable.

When engaged in purchasing maps for the Territory in Cincinnati, in July last, Dr. O. Fairchild, of said city, presented me with a valuable set of maps, which are now in my possession, and which I present as a present from him to the library of the Territory.

As the library is expected in a short time, I would suggest the propriety of passing a law to provide for the appointment of a librarian, to define his duties, and to regulate the library. As soon as the library arrives, a catalogue of the books shall be immediately laid before you.

On the 1st of September last, Dr. James Davis was appointed a Commissioner under the provisions of an act of Congress passed the 18th of June, 1838, entitled "An act to authorize the President of the United States to cause the southern boundary line of the Territory of Iowa to be ascertained and marked"—who proceeded soon after his appointment in conjunction with A. M. Lea, Esq., the Commissioner on the part of the United States, to the discharge of the duty assigned them, but have not yet reported their progress to this department. Should a report be received during the session of the Legislative Assembly, it shall be immediately communicated to you. The Governor of Missouri did not consider himself authorized to appoint a Commissioner under the late act of Congress until after the meeting of the Legislature of that State.

The appropriation made by Congress for the support of the government of the Territory of Iowa for the year 1838, is \$24,675. This includes the salaries of the Governor, Secretary, Chief Judge, Associate Judges, District Attorney and Marshal—the pay and mileage of the Members of the Legislative Assembly of the Territory and the expenses thereof; printing the laws, taking the census, and other in-



cidental and contingent expenses of the Assembly and Territory. (See late laws of the U. S., page 112.)

The salaries of the officers of the Territory, as fixed by law, and the contingent fund of the Governor, amount to 8,950 dollars—which leaves a balance of 15,725 dollars to defray the expenses of the Legislative Assembly—printing, stationery, fuel, house rent, and all other incidental expenses of the Territory.

In disbursing the appropriation, we should avoid parsimony in its application to defray necessary expenses; but at the same time should use *strict economy*, and be careful in our expenditures never to exceed the appropriation made by Congress.

Gentlemen of the Council, the act of Congress establishing the Territorial Government of Iowa, vests in the Executive and Council the power of appointing all judicial officers—Justices of the peace, Sheriffs and Militia officers (except those of the staff) and other civil officers that are not elective by the people. The Executive is vested with the nominating and the Council with confirmative power. The power of appointing to office is one of the most delicate and responsible character; and as the concurrence of the Executive and Council are required to give validity to appointments under the Territorial authority, I deem it my duty to state to you distinctly in the commencement of our political organization the principles by which I shall be governed in nominating individuals for the various offices in the Territory.

I shall at all times pay a due respect to recommendations; but cannot conscientiously nominate to office any individual of *bad moral character*, or, that may be addicted to *intemperance* or *gambling*, if known to me. These vices are so contaminating in their character, that all public officers in my opinion should be clear of even a suspicion of being addicted to them.

Gentlemen of the Legislative Assembly, the charter of our Territorial government declares that the Legislative power shall be vested in the Governor and Legislative Assembly. The Executive is vested with advisory and restraining powers, and the Legislative Assembly with deliberative and enacting powers. The concurrence of both the Executive and Legislative departments becomes necessary under our organization to give validity to Legislative enactments.

This being the case, I have in discharge of a conscientious duty promptly recommended to your consideration such measures as I deemed to be most expedient, and think it proper to state to you at the commencement of our Legislative proceedings, that I shall at all times take pleasure in concurring with you in acts that tend to advance the general interests of the Territory, and the prosperity of the people;—but at the same time will be compelled to withhold my assent to such acts, or proceedings, as I may conscientiously for the time being believe to be prejudicial to the public good.

That the spirit of wisdom and harmony may control all our deliber-



tions and direct our efforts to the promotion of the general prosperity of the Territory—the establishment of good order, and the security of the peace, prosperity, and happiness of the people—is the sincere prayer of your fellow-citizen and obedient servant,

ROBERT LUCAS.

*Iowa Territory, Burlington, Nov. 12, 1838.*

And then the Council returned to their chamber.

On motion of Mr. Payne,

Resolved, That a committee be appointed to draft rules and regulations for the government of the Council.

Messrs. Payne, Clark, and Hempstead were appointed said committee.

On motion of Mr. Lewis,

The Council adjourned until to-morrow 10 o'clock.

### Tuesday Morning, Nov. 13, 1838.

The Council met pursuant to adjournment.

On motion of Mr. Payne,

Warner Lewis was called to the chair, pro tem.

Mr. Keith, from the county of Van Buren, appeared, was sworn in, and took his seat as a member of the Council.

On motion of Mr. Clark,

Resolved, That fifty copies of the law of Congress organizing the Territory of Iowa, be printed for the use of the Council.

On motion of Mr. Payne,

Resolved, That each member of the Council be furnished with twenty copies of the Iowa Territorial Gazette, and that the editors of that paper be furnished with a copy of this resolution.

Mr. Payne, from the committee appointed to draft Rules and Regulations for the government of the Council, reported the following:

#### REGULATIONS FOR THE DAILY TRANSACTION OF BUSINESS.

After the journal is read, and the Council is open for business, the following order will govern:

1st.—Petitions or Memorials to be offered.

2d.—Resolutions.

3d.—Reports of Committees.

4th.—Bills, Resolutions, and communications on the President's table.

5th.—Bills and resolutions ready for a second reading.

6th.—Bills on their passage.



7th.—Reports in possession of the Council, which offer grounds for a bill, are to be taken up that the bill may be ordered in.

8th.—Bills or other matters before the Council, and unfinished the preceding day.

9th.—These matters being despatched, for expediting business, the general file of bills and other papers are then taken up, agreeably to their first introduction to the Council.

### STANDING RULES.

I. The Council shall choose by ballot one of their own number to occupy the Chair. He shall be styled President of the Council. He shall hold his office during one session of the Council. He shall take the chair at the hour to which the Council is adjourned, and call the members to order; and, if a quorum be present, he shall direct the minutes of the preceding day to be read, and mistakes, if any, corrected. He shall preserve order and decorum, and shall decide questions of order, subject to an appeal to the Council. In committee of the whole he shall call some member to the chair, and may debate any question before the committee; but such substitution shall not extend beyond an adjournment. He shall, unless otherwise directed by the Council, appoint all committees. He shall vote on a call of the yeas and nays. In the absence of the President, the Council shall appoint a President, *pro tem*.

II. Any member may have a call of the Council, and have absent members sent for.

III. All questions shall be put in this form: "You who are of the opinion (as the case may be) say, Aye." "Those of the contrary opinion, say No;" and in doubtful cases any member may call for a division.

IV. When a motion is made and seconded, it shall be stated by the member making the same, or read by the Secretary previous to debate. If any member of the Council require it, all motions (except to adjourn, postpone, or commit,) shall be reduced to writing. Any motion may be withdrawn by consent of the Council, before decision or amendment.

V. Every member present, when a question is put, shall vote, unless he shall, for special cause, be excused by vote of the Council.

VI. A motion to adjourn shall always be in order, and be decided without debate.

VII. When a member is about to speak, he shall rise and address himself to the President; and when a member is speaking, no person shall pass between him and the chair.

VIII. No member shall speak more than twice on any question, without leave of the Council.

IX. When a question is under debate, no motion shall be received,



unless to postpone, to amend, to take the previous question, to commit, or to adjourn.

X. The previous question shall be put in these words: "Shall the main question be now put?" and it shall be admitted on the demand of any member, and until decided shall preclude all amendments under debate, of the main question.

XI. Any member may call for a division of the question, when the same will admit thereof.

XII. No committees shall absent themselves from the Council chamber by reason of their appointment, during the sitting of the Council, without special leave.

XIII. Every bill shall be introduced by motion for leave, or by order of the Council on the report of a committee; and in either case a committee to prepare the same shall be appointed. In cases of a general nature, one day's notice at least shall be given, of the intention to bring in a bill.

XIV. Every bill shall receive three several readings previous to its passage; but no bill shall have its second and third readings on the same day, without special order of the Council.

XV. The first reading of a bill shall be for information, and if objections be made to it, the question shall be, "Shall the bill be rejected?" If no objections be made, or the question to reject be lost, the bill shall go to its second reading without further question.

XVI. Every bill, on a second reading, shall be considered by the Council in committee of the whole, before it shall be taken up and considered by the Council. The final question upon every bill or resolution that requires three readings previous to being passed, shall be, "Shall the bill be engrossed and read a third time." No bill or resolution, that requires three readings shall be committed or amended, until it shall have been twice read.

XVII. When a question is lost on engrossing a bill for a third reading on a particular day, it shall not preclude a question to engross it for a third reading on a different day; nor shall any subject be a second time re-considered without the consent of the Council. On the third reading of the bill or resolution, no amendment (except to fill blanks) shall be received, except by unanimous consent of the members present.

XVIII. When a bill is engrossed, the President shall, at the time previously appointed by the Council, announce it as ready for a third reading, without a question.

XIX. A bill or resolution may be committed at any time previous to its passage; if any amendment be reported upon such commitment, by any other than a committee of the whole, the bill shall be again read a second time and considered as in committee of the whole, and the question for its engrossment and third reading again put.

XX. In filling blanks, the largest sum and longest time shall be first put.



XXI. When the Council is equally divided, in such case the question shall be lost.

XXII. When a motion or question has been once made and carried in the affirmative or negative, it shall be in order for any member of the majority to move for the reconsideration thereof, on the same or succeeding day.

XXIII. All acts, addresses and resolutions, shall be signed by the President, and all writs, warrants, and subpoenas, issued by order of the Council, shall be under his hand and seal, attested by the Secretary.

XXIV. Petitions, memorials, and other papers, addressed to the Council, shall be presented by any member in his place; a brief statement of the contents thereof shall be made verbally by the member introducing the same, and shall not be debated or decided on the day of their being first read, unless where the Council shall direct otherwise; but shall lie on the table (to be taken up in the order they were read) or be referred, on motion, to a committee.

XXV. After a bill shall have passed the Council, it shall be the duty of the Secretary of the Council, so far to alter the title of the bill as to strike out the words, "A Bill" and insert in lieu thereof the words, "An act;" it shall then be duly enrolled; after which, it shall be examined by a standing committee for that purpose, who shall carefully compare the enrolment with the engrossed bill, and correcting any errors that may be discovered in the enrolled bill, shall make their report forthwith to the Council.

XXVI. After examination and report, each bill shall be signed by the President of the Council, and by him presented to the Governor for his approbation; the day of presentation shall be entered on the journal.

XXVII. A Secretary, Assistant Secretary, Recording, Engrossing and Enrolling clerk, shall be appointed by ballot, to hold their places during the pleasure of the Council. They shall take an oath for the true and faithful discharge of their respective duties in office. The Secretary shall keep a correct journal of the daily proceedings, and perform such other duties as shall appertain to his office. He shall let no journal, records, accounts, or papers, be taken from the table or out of his custody, other than by the regular mode of business of the Council; and if any papers in his charge shall be missing, he shall make report to the President, that it may be inquired into. It shall be the duty of the recording clerk, to record the journal of the proceedings agreeably to the original furnished him by the Secretary. It shall be the duty of the Engrossing clerk to engross all bills, and of the Enrolling clerk, to transcribe, copy and enroll the same. The Secretary, Assistant Secretary, and clerks, in the discharge of their duties, shall be subject to the direction of the President of the Council.

XXVIII. A Sergeant-at-Arms, door-keeper, assistant door-keeper, messenger, and assistant messenger, and fireman, shall be appointed



by ballot, to hold their offices during the pleasure of the Council, whose duty it shall be to attend the Council during its sitting, and to execute the commands of the President and Council from time to time. They shall take an oath truly and faithfully to discharge their respective duties in office.

XXIX. When a message shall be sent from the Governor to the Council, it shall be communicated to the chair by the person by whom it may be sent.

XXX. No person shall be elected to any office created by these rules, unless he shall receive a majority of the whole number of votes given by the members of the Council.

XXXI. When nominations shall be made in writing by the Governor of the Territory, to the Council, a future day shall be assigned, unless the Council unanimously direct otherwise, for taking them into consideration.

XXXII. It shall be the duty of the members and officers of the Council to keep all information or remarks touching or concerning the character or qualifications of any person nominated by the Governor to office, inviolably secret; also the proceedings and business of the Council when in executive session.

XXXIII. Before acting on confidential or executive business, the Council shall be cleared, by direction of the President, of all persons except the Secretary and Sergeant-at-Arms.

XXXIV. The proceedings of the Council, when they shall act in their executive capacity, shall be kept in separate and distinct books; and no part of the executive journal shall be published but by special order.

XXXV. No member or officer of the Council shall be permitted to read the newspapers within the bar of the Council, while the Council is in session.

XXXVI. The President of the Council is authorized and required to administer all oaths prescribed by these rules.

XXXVII. Every resolution read by the Secretary, by direction of a member, shall be considered to be before the Council. And the question to adopt or reject, may be immediately put on such resolutions, unless upon motion of a member, the same may be laid on the table.

XXXVIII. It shall be competent for any member, when a question is taken, to call for the ayes and noes, which shall be recorded by the Secretary, if required.

XXXIX. No standing rule or order of the Council, shall be rescinded or suspended, except by a vote of three-fourths of the members present.

XL. All bills brought into the Council by any member or committee, shall be endorsed with the name of the member or committee bringing in the same.

XLI. When a member shall be called to order, he shall sit down



until the President shall have determined whether he is in order or not; and every question of order shall be decided by the President, subject to an appeal to the Council by any two members; and if a member be called to order for words spoken, the exceptionable words shall be immediately taken down in writing, that the President and Council may be better enabled to judge of the matter.

XLII. The followidg officers and persons present at any time during the sitting of the Council, shall be entitled to seats within the bar: The Governor, Secretary, Attorney General of the Territory, Judges of the Supreme court, Members of Congress, former Members of the Legislative Council of the Territory, and Members of the State Legislatures, and such others as the Council may direct.

On motion of Mr. Inghram, the following amendment was offered to the 32d section of the Standing Rules for the government of the Council:

Provided, however, That nothing in this Rule shall be so construed as to prevent any member of the Council feeling himself aggrieved from making a motion to take the sense of the Council upon the propriety of taking off the veil of secrecy.

Which the Council refused to adopt, but on motion of Mr. Inghram, was ordered to be entered on the Journal.

On motion of Mr. Hempstead,

Resolved, That five hundred copies of the Governor's Message be printed for the use of the Council, to be paid for out of the contingent fund.

On motion of Mr. Clark,

Resolved, That a committee of three be appointed to act in conjunction with a similar committee of the House of Representatives in framing the necessary rules for the government of the intercourse between the two Houses, and that the Secretary inform the House of Representatives of the same.

The Chair appointed Messrs. Clark, Hepner, and Keith said Committee.

On motion of Mr. Payne,

The Council adjourned until 3 o'clock.

3 O'CLOCK, P. M.

On motion of Mr. Hempstead,

Resolved, That the Council now proceed to the election of President.

On motion of Mr. Hempstead,

Messrs. Payne and Hepner were appointed tellers. The ballots being taken and counted, it appeared that Jesse B. Browne received the whole number of votes given, and was thereupon declared to be duly elected President, and on taking his seat, addressed the Council as follows:



## FELLOW CITIZENS OF THE COUNCIL:—

Contrary to my expectation on this occasion, I find by your expressed will, I have been elected to preside over your deliberations at the present session of the Iowa Territorial Legislature. This mark of distinction emanating from so intelligent a body as yourselves, cannot otherwise be regarded than the most flattering token of your confidence and respect.

I have only to regret that in making your choice for so important a situation you should have neglected to select from among you one of greater experience in parliamentary proceedings, as there are those possessing qualifications greatly superior to any thing I profess to claim in relation to matters of this kind.

However, as I have been made your choice, my great object will be to pursue such a course of conduct, in my official capacity, and as a member of this Council, as will harmonize with your good sense of justice, propriety, and decorum; and I trust at all times I may rely upon your aid and co-operation in my feeble efforts to discharge my duties. May the blessings of Heaven rest upon us, and the great Governor of the Universe direct our steps and control our acts.

On motion of Mr. Payne,

Ordered, That the Council proceed to the election of a Secretary.

The ballots being taken and counted, it appeared that

B. F. Wallace had 8 votes, and

Edward Johnson 1 vote,

B. F. Wallace was declared to be duly elected.

On motion of Mr. Keith,

The Council proceeded to the election of an Assistant Secretary.

Samuel C. Reed was declared to be duly elected.

On motion of Mr. Clark,

The Council proceeded to the election of a Recording Clerk.

Daniel Brewer was declared to be duly elected.

On motion of Mr. Clark,

The Council proceeded to the election of an Engrossing Clerk.

Peter P. Loop was declared to be duly elected.

On motion of Mr. Clark,

The Council proceeded to the election of an Enrolling Clerk.

O. H. Brown was declared to be duly elected.

On motion of Mr. Hempstead,

The Council proceeded to the election of a Sergeant-at-Arms.

G. W. Harris was declared to be duly elected.

On motion of Mr. Payne,

The Council proceeded to the election of a Door-keeper.

G. W. Patterson was declared to be duly elected.

On motion of Mr. Lewis,

The Council proceeded to the election of an Assistant Door-keeper.

J. M. Harrison was declared to be duly elected.



On motion of Mr. Hepner,  
The Council proceeded to the election of a Messenger.  
William Sunderland was declared to be duly elected.

On motion of Mr. Payne,  
The Council proceeded to the election of an Assistant Messenger.  
A. F. Russell was declared to be duly elected.

On motion of Mr. Clark,  
The Council proceeded to the election of Fireman.  
A. Badgsley was declared to be duly elected.  
The oath of office was then administered to each of the officers elected, by the President.

The following message was received from the House of Representatives by Mr. Fales, their Chief Clerk:

MR. PRESIDENT, The House of Representatives have adopted the following:

Resolved, That a committee of two be appointed on the part of the House to act with a similar committee of the Council, to wait on the Rev. Mr. Reynolds, and request him to open the present session of the Legislature by solemn prayer, to-morrow morning at 10 o'clock.

Messrs. Summers and Hall have been appointed the committee on the part of the House.

On motion of Mr. Hempstead,  
Ordered, That the Council concur in the above resolution of the House, and that they appoint a similar committee to act in conjunction with the committee of the House.

Messrs. Inghram and Keith were appointed said committee.

On motion of Mr. Hempstead,  
Resolved, That the following be the Standing Committees of the Council, viz:

On Judiciary,	On Finance,
On Internal Improvements,	On Enrolments,
On Territories,	On Schools,
On Claims,	On Military Affairs,
On Roads,	On Expenditures.

On motion of Mr. Hempstead,  
The Council adjourned until to-morrow morning 10 o'clock.

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### Wednesday Morning, Nov. 14, 1838.

The Council met pursuant to adjournment.

On motion of Mr. Hempstead,  
Resolved, That the Secretary inform the House of Representatives that they have concurred in the resolution of the House, inviting the



Rev. Mr. Reynolds to open the present session of the Legislative Assembly by solemn prayer—have appointed a similar committee to act with that of the House, viz: Messrs. Inghram and Keith, and that they are now ready to repair to the Hall of the House.

On motion of Mr. Hempstead,

Resolved, That the Council do now repair to the Hall of the House, where an appropriate prayer was delivered by Rev. Mr. Reynolds; after which the Council returned to their chamber.

The President submitted the following communication from the Hon. Wm. B. Conway, Secretary of the Territory of Iowa:

SECRETARY'S OFFICE, November 13, 1838.

*To the Honorable the Speaker of the Legislative Council of the Territory of Iowa.*

SIR: Having consulted with His Excellency Governor Lucas, on the subject of the Public Expenditures, I am authorized to entertain serious doubts, as regards the sanction which the exercise of my discretion might receive in making provisions for the prosecution of the public business.

It is therefore respectfully submitted whether a special act or resolution of the Legislative Assembly, regulating my discretion in the premises would not be advisable? than which nothing would be more in accordance with my earnest desire.

With due consideration, your very obedient servant,

WM. B. CONWAY,

*Secretary of the Territory of Iowa.*

On motion of Mr. Hempstead,

The communication was laid on the table.

J. M. Harrison appeared and was sworn in as Assistant Door-keeper to the Council.

The President announced the following standing committees, viz:

*On Judiciary*—Messrs. Hempstead, Parker, and Swazy.

*On Internal Improvements*—Messrs. Whittlesey, Inghram, and Hughes.

*On Territories*—Messrs. Lewis, Ralston, and Clark.

*On Claims*—Messrs. Hepner, Hughes, and Keith.

*On Roads*—Messrs. Clark, Keith, and Lewis.

*On Finance*—Messrs. Swazy, Parker, and Hughes.

*On Enrolments*—Messrs. Parker, Clark, and Inghram.

*On Schools*—Messrs. Inghram, Payne, and Whittlesey.

*On Military Affairs*—Messrs. Payne, Lewis, and Whittlesey.

*On Expenditures*—Messrs. Ralston, Hempstead, and Payne.

Mr. Lewis presented the petition of Timothy Fanning and others, on the subject of a charter for ferry privileges across the Mississippi river at the Town of Du Buque; which

On motion of Mr. Lewis.

Was laid on the table.



On motion of Mr. Hempstead,

Resolved, That the Secretary of the Territory of Iowa be instructed by the Council, to furnish a table for the President of the Council; also chairs for those individuals who are permitted to take their seats within the bar of the Council, by the 42d Rule, and that he be notified by the Secretary of the passage of this resolution.

On motion of Mr. Inghram,

Resolved, That as a mark of respect for the memory of Cyrus S. Jacobs, late a member elect of the House of Representatives, the members of the Council wear the usual badge of mourning for the space of thirty days.

On motion of Mr. Inghram,

The Council adjourned until to-morrow 10 o'clock, A. M.

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### Thursday Morning, Nov. 15, 1838.

The Council met pursuant to adjournment.

The President submitted the following communication:

BURLINGTON, Nov. 15, 1838.

*To the President of the Council:*

SIR: Have the goodness to present my thanks to the Legislative Council for the honor conferred on me by their electing me Assistant Messenger to your body, and allow me, most respectfully, to ask the acceptance of my resignation of that office.

I have the honor to remain,

Your obedient servant,

ANDREW F. RUSSELL.

On motion of Mr. Hempstead,

Resolved, That the resignation of Andrew F. Russell be accepted, and that the thanks of the Council be tendered to him for his services.

On motion of Mr. Hempstead,

Resolved, That the Secretary of the Council be authorized to make arrangements forthwith with the Postmaster of the City of Burlington, relative to the postage of all letters, papers, and documents which shall be received or transmitted by the members of the Council through said office during the present session. And that the said Postmaster be requested to keep a true and correct account of all postage of the members of the Council, and transmit the said account, together with his charge for trouble for keeping the same, to the Council at the close of the present session, for allowance, which said account and charge for trouble shall be paid out of the contingent fund as allowed.

On motion of Mr. Payne,

Resolved, That so much of the Governor's Message as relates to



Townships, and also so much of said Message as relates to the revision of Laws relating to the duty of Executors, Administrators, and Guardians, and also that part of said Message which relates to the powers necessary to be vested in Supreme, District and Probate Courts, and also that part of said Message which relates to Justices of the Peace, defining their duties, &c. And also that part of said Message which relates to establishing a system of Jurisprudence, &c. be referred to the committee on the Judiciary. And also that part of said message which relates to the levying and collecting Territorial Taxes be referred to the committee on Finance. And also that part of said Message which relates to a system of Territorial and county roads, be referred to the committee on Roads. And also that part of said Message which relates to the organization of the Militia, be referred to the committee on Military Affairs. And also that part of said Message which relates to Memorials for Brass pieces, &c. &c. be referred to said committee.

On motion of Mr. Lewis,

The following resolutions were offered:

Resolved, That Messrs. Clarke and M'Kinney, publishers of the Territorial Gazette, be employed to print on slips, daily copies of the Journal of the proceedings of the Council for the use of the members, on copy being furnished by the Chief Clerk, and to publish the same in the Gazette, and to do such other printing as may be required by the Council during the present session. And that they be paid such price for the same as is paid to the printers to Congress for such work.

Resolved, That Messrs. Russell & Reeves, publishers of the Iowa News, at the Town of Du Buque, be employed to print the Journal of the proceedings in pamphlet form, and that they be paid the same prices as are paid to the printers to Congress for such work.

Resolved, (If the House of Representatives concur,) That Messrs. Russell & Reeves, publishers of the Iowa News, be employed to print the Laws which may be passed at the present session of the Legislative Assembly.

On motion of Mr. Hempstead,

The two first of the above resolutions were adopted; and

On motion of Mr. Payne,

The third resolution was laid on the table.

Mr. Hempstead gave notice that he would, on Monday next, bring in a bill to incorporate the city of Du Buque.

On motion of Mr. Hempstead,

Ordered, That the committee appointed to draft Joint Rules for the government of the two Houses do now report; whereupon

Mr. Clark, from said committee, reported the following joint rules, which were read and adopted:



## JOINT RULES OF BOTH HOUSES.

I. In every case of an amendment of a bill agreed to in one House, and dissented to in the other, if either House shall request a conference, and appoint a committee for that purpose, and the other House shall also appoint a committee to confer, such committee shall at convenient hour, to be agreed on by their chairman, meet and state to each other, verbally or in writing, as either shall choose, the reasons of their respective Houses, for and against the amendment, and confer freely thereon.

II. When a message shall be sent from the Council to the House of Representatives, it shall be announced at the door of the House by the door-keeper, and shall be respectfully communicated to the Chair by the person with whom it may be sent.

III. The same ceremony shall be observed when a message shall be sent from the House of Representatives to the Council.

IV. Messages shall be sent by such persons as a sense of propriety in each House may determine to be proper.

V. After a bill shall have passed both Houses, it shall be duly enrolled by the clerk of the House, or of the Council, as the bill may have originated in the one or the other House, before it shall be presented to the Governor.

VI. When bills are enrolled, they shall be examined by a joint committee of two from the Council, and two from the House of Representatives, appointed as a standing committee for that purpose, who shall carefully compare the enrollment with the engrossed bills, as passed in the two Houses, and correcting any errors that may be discovered in the enrolled bills, make their report forthwith to the respective Houses.

VII. After examination and report, each bill shall be signed in the respective Houses; first by the Speaker of the House of Representatives, then by the President of the Council.

VIII. After a bill shall have been thus signed in each House, it shall be presented by the said committee to the Governor for his approbation, it being first endorsed on the back of the roll, certifying in which House the same originated, which endorsement shall be signed by the Secretary of the House, in which the same originated, and shall be entered on the Journal of each House; the said committee shall report the day of presentation to the Governor, which shall also be entered on the journal of each House.

IX. All orders, resolutions, and votes, which are to be presented to the Governor, for his approbation, shall also, in the same manner, be previously enrolled, examined, and signed; and shall be presented in the same manner, and by the same committee, as provided in cases of bills.

X. When a bill or resolution, which shall have been passed in



one House, is rejected in the other, notice thereof is to be given to the House, in which the same may have passed.

XI. When a bill or resolution, which has been passed in one House, is rejected in the other, it is not to be brought in during the same session, without a notice of five days, and leave of two-thirds of that House in which it shall be renewed.

XII. Each House transmits to the other, all papers on which any bill or resolution shall be founded.

XIII. After each House shall have adhered to their disagreements, a bill, or resolution is lost.

XIV. No bill that shall have passed one House, shall be sent for concurrence to the other, on either of the last three days of the session.

XV. No bill or resolution that shall have passed the House of Representatives, and the Council, shall be presented to the Governor for his approbation, on the last day of the session.

XVI. When bills which may have passed one House are ordered to be printed in the other, a greater number of copies shall not be printed, than may be necessary for the use of the House making the order.

On motion of Mr. Hempstead,

Ordered, That the Secretary inform the House of Representatives that they have adopted the Joint Rules for the Government of the two Houses as reported by the committee.

On motion of Mr. Hempstead,

Resolved, That fifty copies of the joint rules be printed for the use of the members.

On motion of Hempstead,

Resolved, That fifty copies of the list of the names of the members of each Standing Committee, be printed for the use of the members of the Council.

Mr. Hepner offered the following resolution:

Resolved, That fifty copies of the act establishing the Territorial Government of Wisconsin be furnished for the use of the Council; and

On motion of Mr. Ralston, adopted.

On motion of Mr. Hempstead,

The Council adjourned until 3 o'clock, P. M.

### 3 O'CLOCK, P. M.

Mr. Swazy, from the county of Van Buren, appeared, was sworn in and took his seat as a member of the Council.

Mr. Lewis offered the following resolution:

Resolved, That a committee be appointed consisting of one member from each district represented in this Council, to take into consideration the law organizing the Territory of Iowa, and to propose such



amendments as to them may appear expedient, and if any, to memorialize Congress thereon, whereupon—

The President announced the following members as said committee, from the county of

Jackson, Du Buque, &c.	Mr. Lewis,
Van Buren,	" Swazy,
Henry,	" Payne,
Des Moines,	" Inghram,
Muscatine, Louisa, &c.	" Clark,
Johnson, &c.	" Whittlesey,
Scott & Clinton,	" Parker.

On motion of Mr. Payne,

Resolved, That the Ministers of the Gospel, who may visit this Council, be invited to take seats within the bar at pleasure.

Mr. Hempstead offered the following resolution,

Resolved, That the Secretary of the Territory of Iowa be requested to inform the Council, by communication or otherwise, how soon he will be able to furnish a President's table and chairs as specified in a former resolution upon that subject.

To which resolution, Mr. Hepner offered following amendment: Strike out all after the word chairs, and insert, "And the other necessary articles for the convenience of the Council." The resolution as amended, was adopted.

The following Message was received from the House of Representatives by Mr. Fales, their Chief Clerk:

MR. PRESIDENT—

I am directed to inform the Council that the House of Representatives have met, formed a quorum, elected their officers, and are now ready to proceed to Legislative business.

The House have also adopted the following resolution:

Resolved, (The Council concurring herein,) That the enacting clause of all laws passed by the Legislative Assembly of Iowa, shall be as follows:

Be it enacted by the Council and House of Representatives of the Territory of Iowa;

And then he withdrew,

On motion of Mr. Lewis,

The Council adjourned until 10 o'clock, to-morrow morning.



### Friday Morning, Nov. 16, 1838.

The Council met pursuant to adjournment.

Mr. Hempstead offered the petition of Rhoda P. Mallet, of the county of Du Buque, praying to be divorced from the bonds of matrimony from her husband Paschal Mallet, which on his motion was referred to the committee on the Judiciary.

The President submitted the following communication:

*To the Honorable the President of the Council of the Territory of Iowa:*

SIR: As there appears to be some dissatisfaction in consequence of the number of officers of the Council, and doubts entertained as to the propriety of expending money for the same, with due respect to your honor and the members of the Council, I would beg leave to offer my resignation of the office of Assistant Secretary.

Your very obedient servant,

SAM'L. C. REED.

Nov. 16, 1838.

On motion of Mr. Hempstead,

Resolved, That the resignation of Saml. C. Reed be accepted.

On motion of Mr. Lewis,

The Council proceeded to the election of an Assistant Secretary, to fill the vacancy occasioned by the resignation of Saml. C. Reed, Esq.

The ballots being taken and counted, it appeared that Peter P. Loop having received the whole number of votes given, was declared by the President to be duly elected Assistant Secretary of the Council.

On motion of Mr. Payne,

The Council proceeded to the election of an Engrossing Clerk, to fill the vacancy occasioned by the election of Peter P. Loop to the office of Assistant Secretary.

The ballots being taken and counted, William R. Ross having received the whole number of votes given, was declared by the President duly elected Engrossing Clerk to the Council.

On motion of Mr. Hepner,

The Council proceeded to the election of an Assistant Messenger, to fill the vacancy occasioned by the resignation of A. F. Russell, accepted on yesterday.

The ballots being taken and counted, Saml. J. Parker having received a majority of the votes given, was declared by the President duly elected.

Messrs. Loop, Ross, and Parker then appeared, and were severally sworn by the President to discharge the duties of their respective offices.



Mr. Hepner offered the following resolution:

Resolved, That His Excellency Governor Lucas be requested to lay before the Council any information or instructions which he may have received concerning Public Expenditures, so far as they relate to defraying the expenses of the Legislature of Iowa.

Mr. Payne moved to amend, by inserting after the word "received," in the above resolution, the words "from the General Government," which was accepted by the mover, and the resolution as amended, was adopted, and reads as follows:

Resolved, That His Excellency Governor Lucas, be requested to lay before the Council any information or instructions which he may have received from the General Government concerning Public Expenditures, so far as they relate to defraying the expenses of the Legislature of Iowa.

On motion of Mr. Hempstead,

Ordered, That the resolution of the House of Representatives, reported on yesterday to the Council, be now taken up, concurred in, and the Secretary instructed to inform the House of Representatives of the same.

Mr. Payne gave notice that he would, on to-morrow, bring in a bill to repeal the act relating to interest on contracts now in force in this Territory.

On motion of Mr. Clark,

The Council adjourned until 3 o'clock, P. M.

3 O'CLOCK, P. M.

Mr. Payne submitted the following communication from the Hon. Wm. B. Conway, Secretary of the Territory.

SECRETARY'S OFFICE, Nov. 15, 1838.

*To the Hon. Jesse B. Browne, President of the Council:*

SIR—The resolution of the Honorable the Legislative Council, adopted and transmitted on the 14th inst. was duly received, and measures were taken forthwith to comply with its requirements.

I have now the honor to express the satisfactory assurance that the articles of furniture required by said resolution, will be in readiness on Monday next, in time for the commencement of your session on that day, at which time I hope to have arrangements made for fitting up the Council Chamber in a manner corresponding with the dignity of its members, and the importance of their deliberations, with the fullest assurance, that every thing will be done that my proper authority can accomplish to promote their comfort and convenience.

I have also the honor to acknowledge the receipt of a resolution of the Council of the 15th, similar in its import to that of the preceding day, and to which the foregoing will be regarded as a sufficient and respectful reply.

To prevent any misunderstanding with regard to making the ne-



cessary provisions of furniture, stationery, &c. &c. &c. for the Legislative Assembly, it is due to the Secretary to say that timely attention was bestowed on the subject. It is believed that the peculiar character of the summer of 1838 is well known to the members of the Legislature, the difficulty, danger, and obstructions which impeded and almost suspended the navigation of our rivers. It may be well to reflect, that this is also our *first* meeting as an organized Government, that those arrangements which confer entire satisfaction, are usually the products of time, attention, assiduity, and discretion. So far as assiduous attention is concerned, the Secretary is not conscious of the existence of any reason which would require him to supplicate for indulgence. But may not the difficulties attending a new organization of Government, suggest abundant reasons for the exercise of the kind, conciliatory, and benevolent virtues?

The resolutions of the Honorable the Council have been duly considered and prompt arrangements made for complying with their demands; and the assurance is again repeated, that every thing will be done within the scope of my proper authority which can be done, to promote the comfort and convenience, the peace and dignity of the Legislative Council, whose very respectful and obedient servant I have the honor to be and remain, and yours,

WM. B. CONWAY,

*Secretary of the Territory.*

P. S. A communication on the subject of *Public Expenditures*, bearing date the 15th inst., has been this day submitted to the Honorable the House of Representatives, accompanied by the request, that a copy of the same should be transmitted to the Council, and be there received and regarded as a communication to that Honorable Body.

WM. B. CONWAY,

*Secretary of the Territory.*

On motion of Mr. Payne,

The communication from the Secretary of the Territory was laid on the table.

On motion of Mr. Inghram,

Resolved, That the committee on the judiciary be discharged from the further consideration of that part of the Governor's Message that relates to the organization of townships, the election of township officers, and defining their powers and duties: and on motion of Mr. Hempstead was adopted.

Mr. Lewis offered the following resolution:

Resolved, That so much of the Governor's Message as relates to the organization of townships, be referred to a select committee.

Mr. Payne moved to amend by adding, "to consist of one member from each district," which amendment was accepted, and adopted as amended.

The President announced the following as said committee: Messrs. Lewis, Clark, Payne, Inghram, Swazy, Parker, and Whittlesey.



On motion of Mr Lewis.  
The Council adjourned until to-morrow 10 o'clock, A. M.

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Saturday Morning, Nov. 17, 1838.

The Council met pursuant to adjournment.

Mr. Hempstead offered the following:

Resolved, That a standing committee of three members of the Council be appointed by the President, on Incorporations: and on motion of Mr. Lewis was adopted.

The President appointed the following members as said committee, Messrs. Hempstead, Inghram, and Clark.

The President submitted the following communication from the Secretary of the Territory:

SECRETARY'S OFFICE, November 15, 1838.

*To the Hon. Wm. H. Wallace,*

*Speaker of the House of Representatives:*

SIR—A resolution adopted by the House of Representatives, on the 14th inst., requiring of the Secretary of the Territory the performance of certain duties, involving the expenditure of money, was transmitted to this Department, and, as a precautionary measure, the said resolution was submitted to His Excellency Governor Lucas, for the purpose of amicable consultation; whereupon it was suggested, that the said resolution did not possess sufficient authority to justify the expenditures therein required. For this reason, the subject is again referred to the consideration of the Honorable the Legislative Assembly.

On the 13th inst. a communication was respectfully submitted to the Honorably the Legislative Assembly, by this Department of the Territorial Government, calling the attention of *both* branches of the Legislature to the subject of expenditures and disbursements, constituting a class of duties and responsibilities with which the Secretary of the Territory is in a special manner connected by the provisions of the Organic Law.

The communication of the 13th inst. from this Department, resulted from a consultation which the Secretary had then recently held with His Excellency the Governor, and to which a respectful reference was made. To advise with the Executive, in all matters relating to the public interests, is esteemed by me as a pleasing duty, and whilst I would preserve all proper distinctions between our respective functions and responsibilities, it will always afford me great satisfaction to be able to concur in what he may deem it his province to suggest and recommend.



Whatever may be the binding force of *precedents*, in Courts of Law or Equity, the fact is sufficiently apparent, that Legislative Assemblies must be governed by their own judgment and discretion, regulated and enlightened by the fundamental law under the authority of which they conduct their deliberations, and from which their enactments derive validity; and therefore, although much respect may be due, and consequently paid, to the history of Legislation, in other States and Territories, still it is conceived, that an officer of the Government of Iowa, can derive no authority from proceedings which were had under a distinct and foreign jurisdiction. A plain, explicit, and positive definition of rights, duties and responsibilities, is a prominent feature in our equitable and admirable institutions; and any departure from the principle, thus indicated, tends directly to confusion, and to the countless evils which confusion so infallibly begets. The Secretary is exceedingly anxious to avoid the causes and the consequences of confusion.

The eleventh section of the act of Congress, of the 12th of June, 1838, which is properly regarded as our Territorial Charter, after providing a contingent fund, "to be expended by the Governor," containing the following provision, to wit:—

"And there shall be appropriated, annually, A SUFFICIENT SUM, to be expended by the Secretary of the Territory, and upon an estimate, to be made by the Secretary of the Treasury of the United States, to defray the expenses of the Legislative Assembly, the printing of the Laws, and other incidental expenses; and the Secretary of the Territory shall annually ACCOUNT to the Secretary of the Treasury of the United States, for THE MANNER in which the aforesaid sum shall have been expended."

This is the law of the land, and it contains, in my estimation, the following substantial provisions, to wit:

1st. That money shall be appropriated annually, by the Congress of the United States, for the purpose of defraying the expenses of the Territorial Government of Iowa.

2. That this money, thus appropriated, shall be in "A SUFFICIENT SUM" to accomplish the purposes intended by the act of Congress.

3. That this money shall be expended by the Secretary of the Territory, upon an estimate, to be made by the Treasury Department of the United States.

4. That the object of the appropriation is to defray the expenses of the Legislative Assembly, the printing of the laws, and OTHER incidental expenses.

5. That the Secretary of the Territory is bound to ACCOUNT annually, to the Treasury Department at Washington City, for the manner in which he shall have expended this money; which, as the law provides, shall be "A SUFFICIENT SUM," and the Secretary is bound in a highly penal bond, together with approved sureties, for the faithful performance for this responsible and delicate trust.



The expenditure of money in the absence of a direct appropriation by law, cannot, as I have been duly assured, receive the Executive sanction, inasmuch as this preliminary requirement is discernable in every ramification of our Republican Government;—That we are bound to limit our necessary and proper expenditures, by the Congressional Appropriation, is an opinion from which I feel reluctantly constrained to withhold my assent; nor can I object, upon mature consideration, to the instructions contained in the Resolution of the Hon. the House of Representatives, already referred to,—inasmuch as I deem it highly important to promote the comfort, convenience, and dignity of those who are concerned in public deliberations. To advance these objects, and at the same time to prevent the clashing of separate jurisdictions, and to avoid the assumption of doubtful or dangerous responsibilities, it is respectfully submitted,—Whether a general law should not be enacted by the Legislative Assembly, providing, in specific terms, for the disbursement of the public money, by the Secretary of the Territory, containing instructions, on the following heads:

1. Providing for the manner in which each House of the Legislature shall be furnished.

2. Providing for the number of Clerks, and other officers, in each House, and specifying their *per diem* compensation.

3. Providing for the *franking of letters*, documents, &c., specifying the official characters who shall possess that privilege, how long it shall be enjoyed, and to what extent.

4. Providing for the form of a certificate of service, for the members, clerks and other officers of each branch of the Legislature, and how such certificate shall be authenticated, with a clause requiring the Secretary to pay the same.

5. Providing for the payment of printers, stating how their accounts shall be authenticated, including the clause relating to payment.

6. Providing for the payment of *rent*, specifying the amount to be paid for the building occupied by the Legislative Assembly, during its present session.

7. Providing for the allowance of a sufficient sum for the rent and furniture of the Governor's office, and the rent and furniture of the office of the Secretary,—together with a sufficient sum to pay the perquisites of the latter, in preparing the Laws, and superintending their publication, and distribution, allowing him a frank, at all times, for letters and documents to every part of the Territory.

An act of the Legislative Assembly, embracing the foregoing or similar provisions,—with a general clause relating to accounts,—appears to be absolutely necessary for the successful prosecution of the public business; and the propriety of making the suggested enactment at an early day, is a fact which cannot escape the vigilant observation of the Honorable the Legislative Assembly.—Accounts are being daily presented to the Secretary for allowance, and payment,—and he is left with-



out a specific appropriation to regulate his disbursements.—Persons are frequently disappointed in their application for money, and there is a constant demand for explanations and apologies.—This should not be so. Why not make a specific appropriation at once, that our Territorial organization may be well understood, the number of officers known, their respective stations designated, and the amount of their compensation declared by law? That this will be done, in due manner and form by the Legislative authorities, the Secretary of the Territory is not disposed to doubt:—and he would take this occasion to assure the Honorable the Legislative Assembly, that nothing, within the scope of his proper authority will be omitted, which can in anywise, contribute to the comfort, convenience, and dignity of their highly responsible proceedings;—and he would conclude by expressing the high consideration with which he is their respectful and obedient servant, and yours.

WM. B. CONWAY,

*Secretary of the Territory.*

Which communication was, on motion of Mr. Hempstead, laid on the table.

Mr. Hempstead offered the following:

Resolved, That the regular adjournment of the Council, for the day, shall be to 10 o'clock in the forenoon of the succeeding day, unless otherwise ordered by the Council, which

On motion of Mr. Payne, was adopted.

On motion of Mr. Hepner,

Resolved, That the communication from the Hon. Wm. B. Conway, Secretary of the Territory of Iowa, in answer to the Resolution of the Council, of the 14th inst. be now taken up and read—Whereupon

Mr. Hepner offered the following:

Resolved, That the communication now before the Council, be voted satisfactory, and that the thanks of this House be tendered the Hon. Wm. B. Conway, Secretary of the Territory of Iowa, for the prompt and efficient manner in which he has complied with the request of this House, and the duties of his office—which

On motion of Mr. Keith, was adopted.

Mr. Payne presented a bill, entitled "A bill to repeal the act now in force in this Territory relating to interest on contracts;" which was read a first and second time, and on motion, the Council resolved itself into committee of the whole, Mr. Inghram in the chair, having under consideration said bill, and after some time spent therein the committee rose, reported progress, and asked leave to sit again; which report, on motion of Mr. Lewis, was received.

A communication was received from the Executive by Mr. Parvin, his Private Secretary, which,

On motion of Mr. Payne,

Was laid on the table.



On motion of Mr. Hepner,

The following communication from His Excellency Governor Lucas, was taken up and read:

EXECUTIVE DEPARTMENT, IOWA TERRITORY, }  
Burlington, Nov. 16, 1838. }

*To the Honorable the President of the Council of the Legislative Assembly of Iowa.*

SIR—I this day received from the Secretary of the Council a communication, containing the following resolution:

“Resolved, That His Excellency Governor Lucas be requested to lay before the Council, any information or instructions, which he may have received from the General Government, concerning public expenditures, so far as they relate to defraying the expenses of the Legislature of Iowa.”

In compliance with the foregoing request, I will state that in the 11th section of the Organic Law of the Territory, it is declared that “the members of the Legislative Assembly shall be entitled to receive three dollars each per day, during their attendance at the session thereof; and three dollars for every twenty miles travel, in going to and returning from the said sessions, estimated according to the nearest usually travelled route;” and that “there shall also be appropriated annually a sufficient sum, to be expended by the Secretary of the Territory, and *upon an estimate to be made by the Secretary of the Treasury of the United States*, to defray the expenses of the Legislative Assembly, the printing of the laws, and other incidental expenses.” And the Secretary of the Territory is required annually to account to the Secretary of the Treasury of the United States, for the manner in which the sum appropriated shall have been expended.

In compliance with the foregoing provision of the Organic Law, and no doubt *upon the estimate furnished by the Secretary of the Treasury of the United States*, as required therein, Congress passed an act on the 7th day of July, 1838, to provide for the support of the Military Academy of the United States for the year 1838, and for other purposes, and inserted in the 5th section of this act a clause in the followidg words: “For salaries of the Governor, Secretary, Chief Judge, Associate Justices, District Attorney, and Marshall, and pay and mileage of the members of the Legislative Assembly of the Territory of Iowa and the expenses thereof, printing of the laws, taking the census, and other incidental and contingent expenses of said Assembly and Territory, twenty-four thousand six hundred and seventy-five dollars.”

This appropriation expresses the object for which it was made, and is the only appropriation to which we can look for funds to defray the expenses of the Legislative Assembly, as expressed therein, for the year 1838. You will find this subject referred to in my communication of the 12th inst.

On the 10th of October last, I received a letter from the Register of



the Treasury of the United States, requesting that an estimate for expenses of the Legislative Assembly for the year 1839, might be prepared and transmitted to the Department. A copy of his letter, together with my answer, is annexed, and is as follows:

"TREASURY DEPARTMENT, REGISTER'S OFFICE, }  
September 5, 1838. }

SIR—I have the honor to request, that the usual estimate for expenses of Legislative Assembly, for the year 1839, may be prepared and transmitted, for the purpose of being laid (by the Secretary of the Treasury) before the Legislature of the United States at its ensuing session.

I have the honor to be, Sir,

Your most obt. servt.

(Signed)

T. L. SMITH, Register.

Governor of Iowa T."

"EXECUTIVE DEPARTMENT, IOWA TERRITORY, }  
Burlington, Oct. 11, 1838. }

"SIR—Your letter of the 5th Sept. last, requesting me to transmit to the Treasury Department the usual estimates for the expenses of the Legislative Assembly for the year 1839, was received by last night's mail. By the post mark on the letter it appears to have been sent to Madison, Wisconsin Territory. The Seat of Government of Iowa T. is for the present at Burlington, to which place I wish all communications intended for the Executive of the Territory of Iowa to be directed. From some cause (unknown to me) there is an extraordinary delay in the conveyances of letters from the East to this Territory. We frequently receive newspapers before letters mailed at the same office at the same time, and in one instance we received a volume of Statute Laws two weeks before we received the letters that were mailed at the same time and place, and were doubtless intended to accompany them. This delay in the transmission of letters, I presume must be owing to a mis-direction given to them at some of the distributing post offices. The most direct route from Washington to this place would be by Columbus, Ohio; Terre-Haute, in Indiana, and Peoria in Illinois. But letters that come by St. Louis are frequently received sooner than they are by any other route.

As soon as I can procure the necessary information to enable me to make out a correct estimate of the expenses of the Legislative Assembly for 1839, it shall be forwarded.

The first Legislative Assembly for this Territory will commence in this place on the 2nd Monday of November next.

With sincere respect,

I am your obt. servt.

(Signed)

ROBT. LUCAS.

Thos. L. Smith, Esq. Register Treasury U. S.

Washington City."

I have withheld the estimates required by the Treasury Department



of the U. S., and shall continue to do so until I can obtain information to enable me to transmit a satisfactory one; and to show therein *the special services and purposes for which appropriations are asked.*

This information cannot be obtained until the action of the present Legislative Assembly are known. Should they agree to authorize the appointment of a committee to prepare during the recess a complete code of laws for the Territory, to be reported to the next session, an item would be included in the estimate to defray the expenses of the committee, and the item for printing enlarged to meet the expenses of printing an entire code of laws, as well as the necessary increased expenses of the Legislative Assembly, estimating the session to extend to the limit of the Organic Law.

But should the Legislative Assembly decline to authorize the appointment of a committee to compile the laws during the recess, the estimates that I shall consider it my duty to transmit to the Treasury Department of the U. S. will only include the usual necessary expenses of an ordinary session of the Legislative Assembly.

Very respectfully,

Your obedient servant,

(Signed)

ROBERT LUCAS.

On motion of Mr. Hempstead,

The communication was laid on the table.

On motion of Mr. Inghram,

The Council adjourned until Wednesday next, 10 o'clock, A. M.

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### Wednesday Morning, Nov. 21, 1838.

The Council met pursuant to adjournment.

Mr. Hughes, of Henry county, and Mr. Whittlesey, from the district composed of the counties of Johnson, Cedar, Jones, and Linn, were introduced, and being sworn, took their seats as members of the Council.

Mr. Payne, from the Standing Committee on Military Affairs, made the following report:

*To the Senate and House of Representatives of the United States,  
in Congress assembled:*

The memorial of the Council and House of Representatives of the Territory of Iowa, respectfully represent—

That this Territory is particularly exposed to the depredations of various tribes of Indians, settled within its limits and contiguous thereto. Experience, and the recent difficulties with these unrelenting foes to the enterprising settlers of the country, have conclusively shown your memorialists the necessity of constant preparation to pre-



vent and effectually repel any attack that may be contemplated or attempted by them hereafter. And as the citizens must always rely upon their own resources, during the early stages of difficulties with the Indians—Your memorialists respectfully request, that Congress provide for the inhabitants of this Territory, three six-pound brass pieces of cannon, with carriages and equipments complete, and one thousand Hall's carbines, with two thousand rifle pistols, with holsters and cartridge boxes complete, and one thousand short swords with scabbards complete. And also that you would establish a Depot of Arms and ammunition at some suitable place within the Territory.

Your memorialists deem it unnecessary to detail facts to prove the expediency and necessity of granting their request, as the recent difficulties with the Indians in various parts of the United States and its Territories, and the disadvantages under which the white citizens labor in their controversies with the Indians, are familiar to all.

On motion of Mr. Lewis,

The Report was laid on the table.

On motion of Mr. Inghram,

Resolved, That so much of the Governor's Message as relates to Schools, be referred to the committee on Schools; and

On motion of Mr. Hempstead, was adopted.

On motion of Mr. Lewis,

Resolved, That a select committee be appointed to draft a memorial to the Congress of the United States, asking a donation of land for the purpose of establishing a Seminary of Learning in this Territory; and

On motion of Mr. Payne, was adopted:—Whereupon

The President appointed Messrs. Lewis, Whittlesey, and Hughes said committee.

Mr. Hempstead, from the Standing Committee on the Judiciary, reported a bill regulating the mode of taking depositions, and to provide for the perpetuation of testimony, and

On motion of Mr. Lewis.

Ordered, That the bill be laid upon the table and printed.

Mr. Hempstead offered the following:

Resolved, That a select committee of three members of the Council be appointed to memorialize Congress to grant a sufficient appropriation for erecting a Penitentiary in this Territory, as recommended in the Governor's Message, and that the Committee on Territories be discharged from the further consideration of this subject; and

On motion of Mr. Lewis, adopted—Whereupon,

The President appointed Messrs. Hempstead, Clark, and Ralston said committee.

The President submitted the following communication from the Secretary of the Territory:



SECRETARY'S OFFICE, November 21, 1838.  
*To the Honorable the President  
Of the Legislative Council:*

SIR: The Secretary of the Territory has the honor to advise the Legislative Council that he has placed in the Committee Rooms adjoining the Council Chamber for the use of the members of both Houses of the Legislature, the following maps, to wit:

1. Mitchell's Reference and Distance Map of the U. S.
2. King's Map of the State of Indiana.
3. Peck and Messenger's Map of Illinois.
4. Doolittle and Munson's Map of Ohio.
5. Munsell's Map of Kentucky.
6. Brown and Barcroft's Map of Missouri, Illinois, and Arkansas.

The Honorable the President of the Council is respectfully requested to communicate the foregoing to the Hon. the Speaker of the House of Representatives, accepting a repetition of the assurance of the high consideration with which I remain your very obedient servant,

WM. B. CONWAY,

*Secretary of the Territory.*

On motion of Mr. Clark,

The communication was laid on the table.

Mr. Payne offered the following:

Resolved, That so much of the Governor's Message as relates to the revision of all laws relative to the organization of counties, be referred to a select committee, to consist of one member from each election District; and

On motion of Mr. Clark, adopted—Whereupon,

The President appointed Messrs. Payne, Clark, Hempstead, Hepner, Parker, Whittlesey, and Swazy, said committee.

Mr. Clark offered the following:

Resolved, That so much of the Governor's Message as relates to the appointment of a committee of three persons, "to digest and prepare a complete code of laws, during the recess of the Legislature," be referred to the committee on the Judiciary; and

On motion of Mr. Swazy, was adopted.

On motion of Mr. Payne,

The Council adjourned until 2 o'clock, P. M.

2 O'CLOCK, P. M.

On motion of Mr. Hempstead,

Ordered, That the communication from the Secretary of the Territory, which was laid upon the table this morning, be now taken up and acted upon, and that the Secretary of the Council, in compliance with said communication, furnish the House of Representatives with a copy of the same.



On motion of Mr. Lewis,

The following resolution of the 13th inst. was taken from the table:

Resolved, (If the House of Representatives concur) that Messrs. Russell and Reeves, publishers of the Iowa News, be employed to print the laws which may be passed at the present session of the Legislative Assembly—to which

Mr. Hempstead offered the following amendment:

“And that they be allowed the same price for printing the same as is allowed the printers to Congress, and that the said Russell and Reeves be required to enter into bonds with good and sufficient security to the Secretary of the Territory in the sum of five thousand dollars, to have the same completed and ready for delivery on the first day of May, A. D. 1839.”

The resolution, as amended, was adopted, and

On motion of Mr. Hempstead,

Ordered, That the House be informed of the same.

On motion of Mr. Hempstead,

Resolved, That the committee on Territorial Affairs, be instructed to memorialize Congress to pass a law granting the franking privilege to the members of the Legislature (during their sessions) and Governor and Secretary of the Territory of Iowa.

On motion of Mr. Hepner,

Resolved, That the Secretary of the Territory be requested to furnish this House with one or more copies of the acts passed by the Michigan Legislature in 1834-'5.

On motion of Mr. Hempstead,

Resolved, That James G. Edwards, publisher of the late laws of Wisconsin Territory passed last winter and summer, be requested to furnish each member of the Council one copy of said laws, and that he be furnished with a copy of this resolution.

Mr. Clark from the committee on Roads, reported “A Bill, to provide for laying out and opening Territorial Roads”—which was ordered to be laid upon the table and printed.

The following message was received from the House of Representatives, by their Chief Clerk:

MR. PRESIDENT:

The House of Representatives have adopted the following resolution:

Resolved, by the Council and House of Representatives of the Territory of Iowa, That the Judges of the Supreme Court be requested to furnish this Legislative Assembly, during its present session, with such bills as will in their opinion form a proper code of jurisprudence for Iowa and regulate the practice of the courts thereof.

Mr. Hempstead moved to concur in said resolution—Whereupon,

Mr. Payne called for the ayes and noes, which were ordered, those who voted in the affirmative were as follows: Messrs. Clark, Hempstead, Hepner, Keith, Lewis, Ralston, Whittlesey, and Mr. President—8.



Those who voted in the negative were Messrs. Hughes, Inghram, and Payne—3.

So the question was determined in the affirmative.

On motion of Mr. Hempstead,

The Council adjourned.

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### Thursday Morning, Nov. 22, 1838.

The Council met pursuant to adjournment.

On motion of Mr. Payne,

Resolved, That Messrs. Clarke and McKenny furnish the Governor and Secretary of this Territory with daily slips of the Journal of this Council.

On motion of Mr. Hepner,

Resolved, That the Secretary of the Territory be requested to cause to be furnished in the lobby of the Council, seats sufficient for the accommodation of spectators.

Mr. Hempstead, from the committee on the judiciary, reported A Bill relative to promissory notes, bonds, due bills, and other instruments of writing.

On motion of Mr. Lewis,

The bill was ordered to be laid upon the table and printed.

Mr. Hempstead, from the committee on the judiciary, reported A Bill to divorce Rhoda Mallet from her husband, Paschal Mallet.

Mr. Payne moved to reject the bill; the question being put and a division called for, it was decided in the affirmative. So the bill was rejected.

Mr. Inghram offered the following:

Resolved, That Wm. W. Chapman, our Delegate to Congress, be requested to ask of that body an appropriation in money or land, sufficient to defray the expenses of building a road through the low grounds in the State of Illinois, opposite the town of Burlington in the Territory of Iowa.

Mr. Hempstead moved to lay the resolution on the table; and on the question—a division being called for, it was decided in the negative. So the resolution was adopted.

Mr. Payne gave notice that he would at some future day introduce A Bill defining the duties of County Registers: whereupon

The President appointed Messrs. Payne, Inghram, and Lewis, a committee to prepare and bring in the same.

On motion of Mr. Hempstead,

The petition of Timothy Fanning for a ferry privilege across the



Mississippi river at the town of Du Buque, was taken up and acted upon.

On motion of Mr. Lewis,

The petition was referred to the committee on incorporations.

On motion of Mr. Hempstead,

Resolved, That a standing committee on the Territorial Library be appointed by the President of the Council. Whereupon

The President appointed Messrs. Hempstead, Whittlesey, and Clark, said committee.

On motion of Mr. Lewis,

The Memorial from the committee on military affairs, reported to the Council on yesterday, and laid upon the table, was taken up, and

On motion of Mr. Inghram,

Was adopted, and sent to the House of Representatives for their concurrence.

On motion of Mr. Hempstead,

The Council adjourned until 2 o'clock, P. M.

## 2 O'CLOCK, P. M.

The President submitted the following communication from the Secretary of the Territory.

SECRETARY'S OFFICE, Nov. 22, 1838.

*To the Hon. Jesse B. Browne,*

*President of the Council:*

SIR: The receipt of a resolution adopted by the Honorable the Legislative Council on the 21st inst., requesting the Secretary of the Territory to furnish one or more copies of the acts passed by the Michigan Legislature in 1834-'5, is hereby respectfully acknowledged.

It is regretted by the Secretary that he is unable to comply with the precise terms of the resolution in question, but, if special reasons exist which may, in the estimation of the Honorable the Legislative Council, render the laws of Michigan of 1834-'35 peculiarly desirable, the Secretary, upon receiving a formal intimation to that effect, will use all due diligence in procuring the same, although it is doubted whether they can be procured and transmitted to this place, in time to render their valuable contents available to the Legislature of this Territory within the period prescribed for the continuance of the session.

It is, however, gratifying to be enabled to transmit herewith the Laws of Michigan of 1837-'38, a copy of which is furnished for the use of each House, together with a copy (also for each House) of the following laws, to wit:

1. The acts and resolutions of the second session of the twenty-fifth Congress of the United States, 1837-'8.

2. The General and Local Laws of Ohio, 1837-'8.



3. The Laws of Maryland, 1837-'8.
4. The Laws of Pennsylvania, 1837-'8.
5. The Laws of New Hampshire, 1838.
6. The Resolves of the State of Maine, 1838.
7. And (as already stated) the Laws of Michigan, 1837-'8.

The Honorable the President of the Council, is respectfully requested to order the transmission of one copy of each of the foregoing compilations, to the Honorable the Speaker of the House of Representatives, accompanied by a transcript of this communication, together with an expression of the highly respectful regard, with which I have the honor to be, and remain, your very obedient servant,

WM. B. CONWAY,  
*Secretary of the Territory.*

On motion of Mr. Lewis,

Ordered, That the Secretary of the Council furnish a transcript of said communication to the Speaker of the House of Representatives, and transmit a copy of each volume of laws as therein set forth.

On motion of Mr. Hughes,

Resolved, That the Secretary of the Territory of Iowa, be and is hereby requested to transmit to this Council, the Great Seal of this Territory, with its impression, for inspection, &c.

On motion of Mr. Inghram,

Resolved, That Henry W. Moore be employed to prepare thirteen maps of the Territory of Iowa, for the use of the Council, as soon as may be, and that he receive as compensation for the same, the sum of five dollars for each copy so furnished.

On motion of Mr. Hepner,

Resolved, That the Door-keeper to the Council be instructed to keep open the door of the Council Chamber, from the hour of convening in the morning until nine o'clock in the evening, and longer, if necessary.

On motion of Mr. Lewis,

The Council adjourned.

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Friday Morning, Nov. 23, 1838.

The Council met pursuant to adjournment.

Mr. Clark asked to be discharged from the standing committee on Enrollments.

Mr. Hempstead moved to postpone the consideration of the same to some future time; which was lost: so the request of Mr. Clark was granted.



The President submitted the following communication from the Secretary of the Territory:

SECRETARY'S OFFICE, November 23, 1838.

To the Honorable J. B. Browne,

President of the Legislative Council:

SIR—The request of the Honorable the Legislative Council, expressed by their resolution, adopted on the 22d inst., was duly transmitted to this Department of the Territorial Government where it has been very respectfully considered, and with which it affords me peculiar pleasure to comply.

In accordance, therefore, with the request of the Honorable the Legislative Council, the "GREAT SEAL OF THE TERRITORY OF IOWA," is herewith transmitted, for their inspection, accompanied by some impressions on wax and paper.

The DEVICE is believed to be simple; and, with the highest deference to the good taste and sound criticism of the Honorable Council, it is regarded as perfectly expressive of a distinct idea, intimately associated with the history of the delightful country which we have the happiness to inhabit; and for which it is the sacred duty and lofty privilege of the Legislative Authorities, to provide wise, equitable, and salutary laws.

The slightest examination of the seal will disclose to the Honorable Council, the EAGLE, the proud and appropriate emblem of our national power, bearing, in its beak, an *Indian arrow*, and clutching, in its talons, an *unstrung bow*; and while the idea thus delicately evolved, is so well calculated to make the eye glisten with patriotic pride, and cause the heart to beat high with the pulsations of conscious superiority, it nevertheless presents a touching appeal to our manly sensibilities, in contemplating the dreary destiny of a declining race; nor should it fail to admonish us of the immense importance of improving, in every possible point of view, that vast inheritance which it was their peculiar misfortune to undervalue and neglect.

The Honorable the Legislative Council, will pardon the freedom of these reflections, which the occasion elicits, if it does not justify and demand, whilst I have the honor to remain, as heretofore, their very obedient and respectful servant, and yours,

WM. B. CONWAY,

Secretary of the Territory.

On motion of Mr. Hempstead,

Referred to the committee on Territorial Affairs.

The following message was received from the House of Representatives, by their Chief Clerk:

MR. PRESIDENT—The House of Representatives have adopted the following resolution, in which they ask the concurrence of the Council:

Resolved, That Messrs. Clarke & McKenny, publishers of the



"Iowa Territorial Gazette," in this city, be employed to print the Journal of the proceedings of the House of Representatives in pamphlet form, and that they be paid the same prices as are paid to the printers of Congress for such work. And that Russell & Reeves, of Du Buque, be employed to print the Laws passed at the present session, on the same terms, and that the said Russell & Reeves be required to enter into bonds, with good and sufficient security to the Secretary of the Territory in the sum of five thousand dollars, to have the same completed and ready for delivery on the first day of May, A. D. 1839; which

On motion of Mr. Hempstead, was concurred in.

Mr. Payne, from the Standing Committee on Military Affairs, reported a bill to organize, discipline, and govern, the Militia of this Territory, which was read, and

On motion of Mr. Payne,

Read a second time, and ordered to be laid upon the table, and printed.

Mr. Whittlesey, from the select committee, reported the following *Memorial to the Senate and House of Representatives in Congress assembled*:

The Memorial of the Council and House of Representatives of the Territory of Iowa, represents—

That this Territory is rapidly becoming settled with a population drawn from every quarter of the globe, many of them totally destitute of education, and ignorant alike of our laws, institutions, and principles of government;

That the knowledge of her citizens is the bulwark of the liberties of our country, and that situated as we are, the pioneers of the far west, we, in an especial manner, need the fostering care of a parental government to develope and inform the minds of our rising generation.

In this view of the case, your memorialists would respectfully suggest the appropriation of twenty thousand dollars, for the erection of buildings for a Territorial University; and also of one Township of vacant public land for the endowment of the same forever; said land to be located west of the river Mississippi, under the direction of the Governor of this Territory, in such manner as to interfere with the rights of no actual settler, or resident, in sections, half sections, or quarter sections, as he may deem most expedient.

Mr. Clark asked leave to bring in a bill on to-morrow to organize agricultural societies, which was granted.

Mr. Payne asked leave to introduce a bill on to-morrow regulating marriages, which was granted.

On motion of Mr. Clark,

Resolved, That it be a Standing Rule of the Council, that of all bills ordered to a second reading, there shall be twenty-five copies printed



for the use of the members, previous to such second reading, except otherwise ordered by the Council.

On motion of Mr. Payne,

Resolved, by the Council and House of Representatives of the Territory of Iowa, That the thanks of this Legislative Assembly be tendered, through His Excellency Governor Lucas, to Doct. O. Fairchild, of Cincinnati for his excellent donation of Maps for the use of this body.

On motion of Mr. Hughes,

Resolved, That the Secretary of the Territory be requested to furnish the members of the Council with pen knives, stamps, half a dozen ink stands, and a tin pan for each stove in the Council Chamber.

On motion of Mr. Hughes,

The Council adjourned until 2 o'clock, P. M.

2 O'CLOCK, P. M.

On motion of Mr. Payne,

The bill to repeal the act now in force in this Territory, relating to interest on contracts, was taken up, and

On motion of Mr. Swazy,

Was referred to the committee on the Judiciary.

Mr. Payne, (on leave being asked and granted) introduced a bill relating to the office of Register of Deeds, &c. which was read, ordered to be laid on the table and printed.

On motion of Mr. Hughes,

The vote of this morning, adopting the memorial on the subject of a donation for the erection of a Seminary, &c. was re-considered, and

On motion of Mr. Payne,

The memorial was referred to the Standing Committee on Schools.

On motion of Mr. Inghram,

Messrs. Hempstead and Swazy were added to the Standing Committee on Schools.

Mr. Hepner offered the following:

Whereas, The Council is destitute of many of the laws contained in pamphlets, now in force in this Territory; and whereas, it is impossible for the members of this body to propose the necessary amendments, or to repeal such as are obnoxious: And whereas, the absence of such laws must tend materially to impede the progress of the business of this Assembly, and more particularly those "passed by the Wisconsin Legislature of 1837"—Therefore, be it

Resolved, That the Secretary of the Territory be requested to furnish each member of this body a copy of the Laws passed by the Legislative Assembly of Wisconsin Territory in 1837.

The following message was received from the House of Representatives by their Chief Clerk:



"MR. PRESIDENT:—I am instructed to inform the Council, that the House of Representatives have adopted the following resolution:

Resolved, by the Council and House of Representatives, That the thanks of the Legislative Assembly of Iowa, be presented through the Secretary of said Territory, to Dr. O. Fairchild, of Cincinnati, Ohio for his valuable presents of Maps to the Library of said Territory.

The House has also adopted the accompanying memorial to the Congress of the U. S. on the subject of an extinguishment of the Indian title in this Territory; in all of which, they ask the concurrence of the Council."

And then he withdrew.

On motion of Mr. Hempstead,

Resolved, That James G. Edwards be requested to furnish the Council immediately, the copies of the Laws of Wisconsin asked for in a former resolution, or, that he communicate to the Council his willingness, or unwillingness, to comply with said resolution.

On motion of Mr. Hempstead,

The Council adjourned.

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### Saturday Morning, Nov. 24, 1838.

The Council met pursuant to adjournment.

Mr. Lewis, from the committee on Territories, made the following report:

The committee on Territories, having had under consideration the communication from the Secretary of the Territory of Iowa, on the subject of the Great Seal of the Territory, beg leave to report—

That they have examined said seal, submitted by the Secretary, with its devices. Your committee are of opinion that its devices are admirably adapted, and appropriate for the Great Seal of this Territory, and would, therefore, submit the following resolution:

Resolved, That the seal submitted to the Council by the Secretary of the Territory, be adopted by the Council as the Great Seal of the Territory of Iowa. And

On motion of Mr. Hempstead,

The report was received and the resolution adopted.

The following communication was received from J. G. Edwards, Esqr.

BURLINGTON, Nov. 23, 1838.

B. F. Wallace, Esqr.

Secretary of the Council:

SIR—As soon as I receive the copy of the Index from Judge Mason, which will be, as he assures me, to-morrow morning, I shall go



on with the Laws, and shall probably furnish them, except the binding, by Tuesday or Wednesday next. As the Hon. C. J. Mason is the individual appointed by resolution of the Wisconsin Legislature to receive the laws from me, I will confer with him, and if he authorizes such a disposition of them as is called for by the resolution of the present Council of Iowa, as soon as they are ready I shall most cheerfully comply with the requisition.

Very respectfully, yours, &c.

JAMES G. EDWARDS.

The President laid before the Council a communication from the Secretary of the Territory.

On motion of Mr. Hempstead,

Ordered, That said communication do not appear upon the Journal, and that it be referred to the committee on Expenditures.

Mr. Payne, on previous notice and leave granted, introduced A Bill concerning marriages; which was read, ordered to be laid upon the table and printed.

Mr. Hempstead, from the judiciary committee, introduced A Bill to incorporate the city of Du Buque: which was read, by order of the Council, by its title, and ordered to be laid upon the table and printed.

Mr. Clark, upon previous notice and leave granted, introduced A Bill to provide for the incorporation of Agricultural Societies; which was read and ordered to be laid upon the table and printed.

On motion of Mr. Hempstead,

The Council resolved itself into committee of the whole, Mr. Clark in the chair, on Council Bill No. 2, entitled

A bill regulating the mode of taking depositions, and to provide for the perpetuation of testimony.

After some time spent therein, the committee rose, and by their chairman reported the bill to the House with sundry amendments, in which they asked the concurrence of the Council. The Council concurred, and

On motion of Mr. Hepner,

The Council proceeded to the consideration of the bill as amended, section by section, but before going through with the bill,

On motion of Mr. Payne,

The Council adjourned until Monday next, 10 o'clock, A. M.



### Monday Morning, Nov. 26, 1838.

The Council met pursuant to adjournment.

Mr. Payne asked leave of absence for Mr. Clark for one week, which was granted.

Mr. Hempstead offered the following:

Resolved, That the following standing rule of the Council, "that of all bills ordered to a second reading, there shall be twenty-five copies printed for the use of the members previous to such second reading, except otherwise ordered by the Council," be amended by striking out all after the words "shall be," and insert "a sufficient number of copies printed for the use of the Council and House of Representatives, unless otherwise directed by the Council"—which was adopted.

Mr. Hempstead, from the Committee on Incorporations, presented A Bill to authorize Timothy Fanning to establish and keep a Ferry across the Mississippi river at the town of Du Buque, which was read, and ordered to be laid upon the table, and printed.

On motion of Mr. Hempstead,

The Council resolved itself into a Committee of the Whole, Mr. Lewis in the Chair, having under consideration Bill No. 3, Council file, entitled A Bill to provide for laying out and opening Territorial Roads; and after some time spent therein, the Committee rose and by their Chairman, reported the bill to the Council, with sundry amendments, in which they asked the concurrence of the Council. The Council concurred, and ordered the bill to be engrossed for a third reading.

The following message was received from the House of Representatives by their Chief Clerk:

MR. PRESIDENT:

The House of Representatives have passed an act of the following title: An Act to provide for organizing the Legislative Assembly, and compensating its officers. Also, the following resolution:

Resolved, That Messrs. Russell & Reeves, publishers of the Laws passed at this session, be required to furnish, for the use of this Territory, 2000 copies, and that they prefix to each copy, the Constitution of the United States, the Declaration of Independence, the Organic Law of the Territory of Iowa, and the Ordinance of 1787, respecting the N. W. Territory.

And then he withdrew.

Mr. Lewis offered the following amendment: erase "2000," and insert in lieu thereof, 1000, and add to the resolution, "400 copies of



the Laws, organizing, disciplining, and governing the militia," which amendment was adopted by the Council.

The President submitted the following communication from the Secretary of the Territory:

SECRETARY'S OFFICE, November 26, 1838.

*To the Hon. J. B. Browne,*

*President of the Council:*

SIR: The Secretary of the Territory has the honor to transmit to the Honorable the Legislative Council the accompanying communication from Mr. W. Wagner, of York, Pennsylvania, enclosing impressions of the Territorial, the Supreme Court, and county seals of Wisconsin, that such action (if any) may be taken in relation to the subject, as the Honorable the Legislative Assembly may, in the exercise of their judgment, deem necessary and proper; whilst, with undiminished respect, I have the honor to remain their very ob't serv't,

WM. B. CONWAY,

*Secretary of the Territory.*

On motion of Mr. Payne,

The communication, with the accompanying document and impressions, were referred to the Committee on the Judiciary.

On motion of Mr. Hempstead,

The Council resolved itself into committee of the whole, Mr. Payne in the Chair, having under consideration Bill No. 4, Council file, entitled A Bill relative to promisory notes, bonds, due bills, and other instruments of writing. After some time spent therein, the committee rose, and by their Chairman, reported the bill to the Council with sundry amendments, in which they asked the concurrence of the Council.

The Council concurred, and ordered the bill to be engrossed for a third reading.

The President submitted the following communication, from the Hon. Chief Justice Mason:

*To the Honorable the President of the Council of the Territory of Iowa.*

The Committee appointed to prepare and present to the "Council and House of Representatives of the Territory of Iowa" such laws as will form a proper code of Jurisprudence and practice for the Territory, respectfully inform your honorable body that they have, in pursuance of the joint resolution on that subject, this day presented to the Honorable the House of Representatives, a bill, entitled An Act relating to information in the nature of Quo Warranto, and regulating the mode of proceeding therein.

Most respectfully, yours, &c.

CHARLES MASON,

T. S. WISON,

J. WILLIAMS.

November 26, 1838.



Which communication was,

On motion of Mr. Hempstead, laid on the table.

Mr. Hempstead, Chairman of the Judiciary Committee, gave notice that he would, on Monday next, bring in a bill defining crimes and punishments.

Mr. Lewis moved that the Council do now resolve itself into committee of the whole, on the Bill No. 6, Council file, which was,

On motion of Mr. Payne,

Amended, so as to make said bill the order of the day for Thursday next.

On motion of Mr. Hempstead,

The Council resolved itself into committee of the whole, on Bill No. 7, Council file, Mr. Swazy, in the Chair, having under consideration A Bill relating to the office of Register Deeds, &c. After some time spent therein, the committee rose, and by their Chairman, reported the bill to the House with sundry amendments, in which they asked the concurrence of the Council.

The Council concurred, and ordered the bill to be engrossed for a third reading,

On motion of Mr. Payne,

Resolved, That the committee on roads be instructed to inquire into the expediency of locating a Territorial Road from Fort Madison, in Lee county, by way of Baltimore, in Henry County, to Mount Pleasant, in said county, thence by way of Trenton, in said county, to Astoria, the seat of justice for Slaughter county, and to report by bill or otherwise.

On motion of Mr. Swazy,

The Council adjourned until 2 o'clock, P. M.

## 2 O'CLOCK, P. M.

The following message was received from the House of Representatives, by their Chief Clerk:

MR. PRESIDENT—

I am directed to inform the Council that the House of Representatives have concurred in the Memorial of the Council to the Congress of the United States, on the subject of an appropriation of arms and ammunition for the use of the citizens of the Territory. The House have also passed bills of the following titles, viz:

H 41 A Bill relative to pleas in abatement, and the abatement of suits by the death of parties.

H 42 A Bill to make valid and good in law the acts of Robert C. Roberts, done and performed by him as a Justice of the Peace in and for the original county of Du Buque.

H 43 A Bill to provide for the safe keeping and management of the Territorial Library.



8 A Bill to fix the time for the first session of the Supreme Court of the Territory of Iowa, and for other purposes.

In all of which they ask the concurrence of the Council.

And then he withdrew.

On motion of Mr. Lewis,

Bill No. 1, House of Representatives file, was taken up, read a first and second time:—Whereupon,

The Council resolved itself into committee of the whole, Mr. Keith in the Chair, having under consideration Bill No. 1, House of Representatives file, entitled

An Act relative to pleas in abatement, and the abatement of suits by the death of parties. After some time spent therein, the committee rose, and by their Chairman, reported the bill to the Council without amendment; and

On motion of Mr. Inghram,

The 14th rule of the Council was suspended, and the bill read a third time and passed.

On motion of Mr. Hempstead,

Bill No. 8, House of Representatives file, was taken up, read a first and second time, and committed to a committee of the whole, Mr. Whittlesey in the Chair, having under consideration said bill, entitled

An Act to fix the time for the first session of the Supreme Court of the Territory of Iowa, and for other purposes. After some time spent therein, the committee rose, and by their Chairman, reported the bill to the House without amendment; and

On motion of Mr. Hempstead,

The 14th rule of the Council was suspended, and the bill read a third time, and passed.

On motion of Mr. Hempstead,

The resolution of thanks to Dr. O. Fairchild, and the memorial on the subject of extinguishing the Indian title, and reported to the Council from the House of Representatives on Friday last, were taken up and concurred in.

On motion of Mr. Lewis,

Bill No. 2, House of Representatives file, entitled,

An Act to make valid and good in law, the acts of Robert G. Roberts, &c., was taken up, and

On motion of Mr. Hempstead,

Was made the order of the day for Tuesday next.

On motion of Mr. Hempstead,

Bill No. 3, House of Representatives file, entitled,

An Act to provide for organizing the Legislative Assembly, and compensating its officers, was taken up and read, and

On motion of Mr. Lewis,

Was referred to the committee on the Judiciary.

On motion of Mr. Lewis,

Bill No. 5, House of Representatives file, entitled,



An Act to provide for the safe keeping and management of the Territorial Library, was taken up, read a first and second time, and committed to a committee of the whole, Mr. Hempstead in the Chair. After some time spent therein, the committee, by their Chairman, reported the bill to the Council with sundry amendments, and asked the concurrence of the Council therein.

The report was received, and the amendments were concurred in.

On motion of Mr. Lewis,

The Council adjourned.

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### Tuesday Morning, Nov. 27, 1838.

The Council met pursuant to adjournment.

Mr. Inghram, from the committee on Schools, to whom was referred a memorial to the Congress of the United States, (previously reported from a select committee,) report the following a substitute therefor:

*To the Senate and House of Representatives of the United States  
in Congress assembled:*

The Memorial of the Council and House of Representatives of the Territory of Iowa, in General Assembly met, respectfully represent,—

That the great increase of inhabitants in this Territory, renders it a matter of manifest importance, that timely and efficient measures be taken to lay down a broad and deep foundation for the mental culture of a people who are to inhabit and govern, for good or for evil, a rising commonwealth, unsurpassed, in the abundance and variety of her resources, by any of the younger members of the Confederacy.

That any form of government can be judiciously administered by ignorant or contracted minds, is a position conclusively refuted by the melancholy attestations of experience, and that *popular* government is utterly incapable of securing the great purposes, fulfilling the high destinies, and conferring the vast benefits intended by its institution, unless the *popular mind* engaged in its direction, be enlarged and enlightened, is believed to be a commanding truth, elevated far above the reach of doubtful speculation.

Entertaining these views, on a subject vitally interesting to the Republic, your memorialists respectfully submit;— Whether the expenditure of twenty thousand dollars, (\$20,000,) for the erection of a UNIVERSITY in this Territory, would not be a just, a proper, and a necessary expenditure on the part of the Parent Government? And it is also submitted, whether one township of vacant public land, on this (the West) side of the Mississippi, for the perpetual endowment of the



Territorial University, would not be a very appropriate disposition of the soil so recently acquired from a race of men, whose *ignorance* has produced helplessness, dependence, and degradation?

Your memorialists would suggest, that the land in question, to the amount of one township, might be selected by the Governor and Secretary of the Territory, or by either of them, in sections, half sections, and quarter sections, as expediency might indicate and direct; in such a manner, however, as not to interfere with, or impair, the rights of any actual settler, or pre-emption claimant? And your memorialists will ever pray, &c.

Which memorial,

On motion of Mr. Inghram,  
Was adopted.

On motion of Mr. Payne,  
Resolved, That an addition of two members be added to the standing committee on Roads.

Which was adopted;—whereupon,

The President added Messrs. Payne and Swazy to said committee.

On motion of Mr. Inghram,  
Messrs. Whittlesey and Lewis were added to the committee on Enrollments.

On motion of Mr. Lewis,  
Bill No. 9, Council file, was taken up and read a second time; whereupon the Council resolved itself into committee of the whole, Mr. Hepner in the chair, having under consideration said bill, entitled

A bill to incorporate the city of Du Buque.

After some time spent therein, the committee rose, and by their chairman reported the bill to the House with sundry amendments, and asked the concurrence of the Council therein. The Council concurred, and

Ordered the bill to be engrossed and read a third time.

The following message was received from the House of Representatives, by their Chief Clerk:

“MR. PRESIDENT:

The House of Representatives have passed the following resolution, in which they ask the concurrence of the Council:

Resolved, by the Council and House of Representatives of the Territory of Iowa, That the seal submitted to the Legislative Assembly, by the Secretary of the Territory, be adopted as the Great Seal of the Territory of Iowa.”

On motion of Mr. Whittlesey,  
The Council adjourned until 2 o'clock, P. M.



## 2 O'CLOCK, P. M.

Bill No. 2, H. of R. file, being the special order of the day, and being under consideration,

On motion of Mr. Hempstead,

The further consideration of said bill was postponed until Tuesday next.

On motion of Mr. Hempstead,

Bill No. 8, Council file, was taken up and read a second time, and thereupon the Council resolved itself into committee of the whole, Mr. Inghram in the chair, having under consideration said bill, entitled

A bill concerning marriages.

After some time spent therein, the committee rose, and by their chairman reported the bill to the Council with sundry amendments, in which they asked the concurrence of the Council. The Council concurred, and

Ordered the bill to be engrossed for a third reading.

On motion of Mr. Payne,

The Council adjourned.

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Wednesday Morning, Nov. 28, 1838.

The Council met pursuant to adjournment.

Mr. Hempstead offered the following:

Resolved, by the Council and House of Representatives of the Territory of Iowa, That a committee of one member of the Council, and two members of the House of Representatives, shall be appointed, to repair forthwith to the Miners' Bank of Du Buque, in this Territory, and then and there proceed to examine all the books, papers, accounts, certificates, and the amount of silver, gold, and bankable paper, and other money in the vaults of said bank; also the amount of money on deposit, and every other act or acts of said bank which relates or may relate in any manner to the fiscal management of the same. And the said committee who shall be appointed under this resolution, are hereby empowered and authorized to examine, under oath, to be administered by the Chairman of said committee, the President, Cashier, or any other officer of said bank, upon any matter which may relate in any way to the management of the same. And if the said President, Cashier, or other officer, to whom an oath shall be administered as aforesaid, shall swear or affirm falsely in answer to any interrogatories propounded by said committee, or to any affidavit requi-



red by said committee, such President, Cashier, or other officer, shall be deemed to have committed the crime of perjury, and shall be punished as the laws of this Territory require.

And the said committee shall have power to send for persons and papers, and examine such person or persons, under oath, administered as aforesaid. And after such committee have examined the situation and affairs of said Bank, as herein directed, they shall, as soon as possible, report the same to the Council and House of Representatives of this Territory.

Mr. Whittlesey moved to refer said resolution to a select committee, which was not agreed to, and the resolution was adopted.

The President appointed Mr. Lewis said committee on the part of the Council.

Mr. Lewis, from the committee on Enrolment, made the following report:

The committee on Enrolments have examined the act entitled "An act to fix the time for the first session of the Supreme Court of the Territory of Iowa, and for other purposes"—which originated in the House of Representatives, and find the same correctly enrolled, and that they have presented the same to His Excellency the Governor, for his signature.

On motion of Mr. Lewis,

Bill No. 11, Council file, was read a second time, and thereupon the Council resolved itself into committee of the whole, Mr. Hempstead in the Chair, having under consideration said bill, entitled,

A Bill to authorize Timothy Fanning to establish and keep a Ferry across the Mississippi river at the town of Du Buque.

After some time spent therein, the committee rose, and by their Chairman, reported the Bill to the House with sundry amendments, in which they asked the concurrence of the Council.

The Council concurred, and ordered the bill to be engrossed for a third reading.

Bill No. 2, Council file, entitled "A Bill regulating the mode of taking Depositions, and to provide for the perpetuation of Testimony," was read a third time, and passed.

Bill No. 3, Council file, entitled "A Bill to provide for laying out and opening Territorial Roads," was taken up, read a third time, and passed.

Bill No. 4, Council file, entitled "A Bill relative to promissory notes, bonds, due bills, and other instruments of writing," being under consideration, was,

On motion of Mr. Inghram,

Returned to the Engrossing Clerk, for correction.

Bill No. 5, House of Representatives file, entitled "An Act to provide for the safe keeping and management of the Territorial Library," being under consideration,



Mr. Inghram moved to refer said bill to the committee on the Judiciary.

Mr. Hepner moved to amend the motion by instructing said committee to report on Friday next.

Which amendment was adopted, and the motion, as amended, was agreed to.

On motion of Mr. Inghram,  
The Council adjourned.

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### Thursday Morning, Nov. 29, 1838.

The Council met pursuant to adjournment.

Mr. Hempstead, from the judiciary committee, to whom was referred bill No. 5, H. of R. file, entitled

An act to provide for the safe keeping and management of the Territorial Library,

Reported the bill with sundry amendments.

On motion of Mr. Hepner,

Said bill and amendments were ordered to be laid upon the table and printed.

The President submitted a communication from the Secretary of the Territory.

Mr. Payne moved that said communication be laid upon the table until the 4th day of July next.

Mr. Hempstead moved to amend the motion by adding the following, "and that said communication do not appear upon the Journal;" and the motion as amended was agreed to.

The following Message was received from the House of Representatives, by Mr. Fales their Chief Clerk:

"MR. PRESIDENT—

I am directed to inform the Council, that the House of Representatives have disagreed to the amendments, by the Council, to the resolution of the House of Representatives respecting the printing of the laws.

The House have also passed the following resolution:

Resolved, by the Council and House of Representatives of the Territory of Iowa, That when an act is presented to the Governor for his approval, he shall, within a reasonable time thereafter, make known to the House in which said act may have originated, of his approval thereof, or if not approved of, the act shall be returned with his objections thereto.

The House have also concurred in the resolution of Council, re-



specting the Miners' Bank of Du Buque, and Messrs. Nowlin and Hall are appointed the committee on the part of the House."

Mr. Lewis, from the committee on enrolments, reported that they have compared the enrolled with the engrossed Memorial, No. 2 of the Council, and find the same correctly enrolled.

Mr Hempstead moved that the Council adhere to their amendments to the resolution of the House of Representatives, in relation to printing the laws, (to which amendments the House disagree,) and the motion was agreed to.

On motion of Mr. Payne,

Resolved, That a committee of two be appointed on the part of the Council, as a committee of free conference upon the resolution of printing the laws of this Territory;—which was adopted, and

The President announced Messrs. Payne and Inghram said committee.

Bill No. 10, Council file, was taken up and read a second time, whereupon the Council resolved itself into committee of the whole, Mr. Whittlesey in the chair, having under consideration said bill, entitled

A bill to provide for the incorporation of Agricultural Societies.

After some time spent therein, the committee rose, and by their chairman reported the bill to the House with sundry amendments, in which they asked the concurrence of the Council. The Council concurred, and ordered the bill to be engrossed and read a third time.

Bill No. 8, Council file, being under consideration, was,

On motion of Mr. Payne,

Ordered to be returned to the Engrossing Clerk for correction.

On motion of Mr. Whittlesey,

Messrs. Swazy and Hepner were added to the committee on Enrolments, also to the committee on Engrossments.

On motion of Mr. Hempstead,

The Council adjourned until 2 o'clock, P. M.

## 2 O'CLOCK, P. M.

Mr. Payne, from the committee on Engrossments, reported that they have compared engrossed bill No. 4, Council file, and find it correctly engrossed.

On motion of Mr. Hempstead,

The resolution of the House of Representatives, relative to the presentation of acts to the Governor for his approval, &c. was taken up, read and concurred in.

Bill No. 6, Council file, being the special order of the day, was taken up and read, whereupon the Council resolved itself into committee of the whole, Mr. Inghram in the chair, having under consideration said bill, entitled



A bill to organize, discipline, and govern the Militia of this Territory.

After some time spent therein, the committee rose, and by their chairman reported the bill to the House with sundry amendments, in which they asked the concurrence of the Council. The Council concurred.

Mr. Inghram moved further to amend said bill, by striking out, in section 26, all after the word "Territory," in the fifth line, to the word "ministers," in the sixth line of said section; which was not agreed to, and the bill ordered to be engrossed for a third reading.

On motion of Mr. Hempstead,

Bill No. 4, Council file, relative to promissory notes, &c. was taken up, read a third time and passed.

On motion of Mr. Hughes,

The Council adjourned.

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### Friday Morning, Nov. 30, 1838.

The Council met pursuant to adjournment.

Mr. Payne, from the Committee on Roads, in pursuance of previous instruction, by resolution, reported,

A Bill to locate a road from Fort Madison, in Lee county, by the way of Mount Pleasant, &c. to the county seat of Slaughter county, &c., which was read, and ordered to be laid upon the table, and printed.

On motion of Mr. Whittlesey,

Resolved, That the committee on roads be instructed to enquire into the expediency of establishing a Territorial Road from Rochester, in Cedar county, thence to the county seat of Jones county, and from thence to the town of Du Buque in the county of Du Buque, by the nearest and best route.

The following message was received from the House of Representatives by their Chief Clerk:

MR. PRESIDENT:—I am directed to inform the Council, that the House of Representatives have concurred in the amendments made by the Council, to Bill No. 1, House of Representatives file, entitled,

A Bill relative to pleas in abatement, and the abatement of suits by the death of parties.

The House have also appointed Messrs. Grimes and Taylor as a committee of conference on the disagreeing vote of the two Houses on the resolution respecting the printing of the Laws.

Mr. Hempstead, from the Judiciary Committee, to whom was referred the communication from the Secretary of the Territory, with



accompanying documents, impressions, &c., on leave being granted, made the following report:

The Committee on Judiciary, to whom was referred the communication of the Honorable Secretary of the Territory of Iowa, relating to a set of seals engraved for the Territory of Wisconsin, submit the following report:

That they have examined the impressions of the Seals transmitted by the Secretary, and engraved by Mr. Wm. Wagner, of York, Pennsylvania, and find the same executed with elegance and classic taste.

Your Committee deem it absolutely necessary that a set of seals be engraved for the Territory of Iowa, and therefore recommend the adoption of the following resolution:

Resolved, by the Council and House of Representatives of the Territory of Iowa, That the Secretary of the Territory is hereby empowered and authorized to employ Mr. Wm. Wagner, forthwith, to engrave an appropriate seal for the Supreme Court of this Territory, also a Seal for the United States District Court in each county where said court has been or may be organized during the present session of the Legislature. Also, a seal for the county commissioners' court in each organized county. And also, a seal for the Probate Courts in each county in this Territory. And the said William Wagner shall receive for the execution of said seals, the sum of dollars for each seal, to be paid out of any monies in the Territorial Treasury, not otherwise appropriated, when said seals shall be delivered and approved by the Secretary of the Territory.

Which report and resolution were adopted.

Mr. Payne, from the Committee on Conference, &c., made the following report:

The Committee on Conference have had under advisement the subject referred to them, and beg leave to report, That they have receded from their amendments in the Resolution relating to printing the Laws.

The report was accepted, and concurred in by the Council.

Mr. Payne asked leave to bring in, on some future day, "A Bill relating to and defining the duties of County Commissioners."

Which was granted.

The President announced Messrs. Payne, Whittlesey, and Hempstead a committee to bring in said bill.

On motion of Mr. Hempstead,

The Council adjourned until Monday next.



## Monday Morning, Dec. 3, 1838.

The Council met pursuant to adjournment.

Mr. Payne, from the Committee on Engrossments, reported, That they have examined Bills No. 7, 8, 10, and 11, Council file, and find them correctly engrossed.

Bill No. 12, Council file, was taken up, and read a second time—Whereupon, the Council resolved itself into committee of the whole. Mr. Payne in the Chair, having under consideration said bill, entitled  
A Bill to locate a road from Fort Madison, via Baltimore, Mount Pleasant, and Trenton, to the county seat of Slaughter county.

After some time spent therein, the committee rose, and by their Chairman, reported the bill to the House with sundry amendments, in which they asked the concurrence of the Council.

The Council concurred, and ordered the bill, with the amendments, to be engrossed for a third reading.

Bill No. 7, Council file, entitled "A Bill relating to the office of Register of Deeds," was taken up and read a third time.

Mr. Hempstead, on leave, offered the following amendment to said bill:—

Strike out all after the word "*same*" in the 5th line of first section to the word "*shall*" in the 6th line of said section. And in the same section 6th line, after the word "*paper*," insert "*which shall be paid for out of the county treasury.*"

Which amendment was agreed to, and the bill, as amended, was passed.

Bill No. 8, Council file, entitled "A Bill concerning marriages," being under consideration, was read, and,

On motion of Mr. Keith,

The 2d Section of said bill was re-committed.

Bill No. 10, Council file, entitled "A Bill to provide for the incorporation of Agricultural Societies," was taken up, read a third time, and passed.

Bill No. 11, Council file, entitled "A Bill to authorize Timothy Fanning to establish and keep a Ferry across the Mississippi river, &c., was taken up and read a third time, and passed.

The following message was received from the House of Representatives, by their Chief Clerk.

MR. PRESIDENT—

The House of Representatives have passed bills of the following titles, viz:

No. 4, An Act regulating criminal proceedings.



No. 10, An Act to authorize Aaron Usher and Thomas M. Groom to establish a Ferry across the Mississippi river.

No. 16, An Act to provide for the election of county treasurers, and to define their duties.

No. 17, An Act organizing a board of County Commissioners in each county of the Territory.

No. 18, An Act to provide for laying out and opening Territorial roads.

No. 20, An Act relative to limited partnerships.

No. 21, An Act providing for the annual meeting of the Legislative Assembly.

Also, a Memorial to the Congress of the United States, on the subject of amending the Organic Law, so as to make Sheriffs and Justices of the Peace elective by the people.

In all of which, the concurrence of the Council is requested.

Bill No. 4, House of Representatives file, entitled

An Act regulating criminal proceedings, was taken up and read a first and second time, and

On motion of Mr. Hempstead,

Was made the order of the day for Friday next.

Bill No. 10, House of Representatives file, entitled

An Act to authorize Aaron Usher and Thomas M. Groom to establish a Ferry, &c., being under consideration,

Mr. Hepner presented a remonstrance against the granting of such ferry privilege:—Whereupon,

Mr. Whittlesey moved to commit said bill to the committee on Incorporations, and that they have power to send for persons and papers.

Bill No. 16, House of Representatives file, entitled,

An Act to provide for the election of county Treasurers, &c., was taken up and read, and ordered to be laid upon the table, and printed.

On motion of Mr. Payne,

The Council adjourned until 2 o'clock, P. M.

## 2 O'CLOCK, P. M.

Mr. Payne, from the committee to whom was re-committed bill No. 8, Council file, entitled

A bill concerning marriages,

Reported the bill to the Council with an amendment; whereupon the Council resolved itself into committee of the whole, Mr. Swazy in the chair, having under consideration said amendment.

After some time spent therein, the committee rose, and by their chairman reported the amendment, viz: substitute for 2nd section, with an amendment, in which they ask the concurrence of the Council. The Council concurred, and ordered the bill, as amended, to be again engrossed for a third reading.



The following communication was received from J. G. Edwards, Esqr.

BURLINGTON, Dec. 3, 1838.

*To the Honorable J. B. Browne,  
President of the Council:*

SIR—I herewith transmit thirteen copies of the late laws of Wisconsin, in accordance with a resolution passed by the Council. If your Honorable Body can consistently give me an order on the Secretary for the payment of the same, amounting to \$22 75, it would oblige

Your obt. servant,

JAMES G. EDWARDS.

Which communication was,

On motion of Mr. Payne,

Referred to the committee on Expenditures.

Bill No. 17, H. R. file, entitled An act organizing a board of County Commissioners, &c. was read a first and second time, whereupon the Council resolved itself into committee of the whole, Mr. Inghram in the chair, having under consideration said bill.

After some time spent therein, the committee rose, and by their chairman reported the bill to the House with sundry amendments, in which they asked the concurrence of the Council. The Council concurred, and ordered the bill to be read a third time.

On motion of Mr. Whittlesey,

Resolved, That the committee on Roads be instructed to inquire into the expediency of establishing a Territorial Road from Wappello to Moscow, and from thence to Du Buque, by the nearest and best route;—which was adopted.

Bill No. 18, H. of R. file, entitled An act to provide for laying out and opening Territorial Roads, was taken up, read a first and second time, and

On motion of Mr. Hempstead,

The bill was laid upon the table.

Bill No. 20, H. of R. file, entitled An act relative to limited partnerships, was taken up and read.

On motion of Mr. Swazy,

The bill was laid upon the table.

Bill No. 21, H. of R. file, was taken up and read a first and second time, whereupon the Council resolved itself into committee of the whole, Mr. Whittlesey in the chair, having under consideration said bill, entitled

An act providing for the annual meeting of the Legislative Assembly of Iowa.

After some time spent therein, the committee rose, and by their chairman reported the bill to the House without amendment, and asked the concurrence of the Council; and on the question to concur,



Mr. Payne called for the yeas and nays which are as follow;

Yeas—Messrs. Hepner, Hughes, Inghram, Keith, Swazy, and Whittlesey—6.

Nays—Messrs. Hempstead, Payne, Ralston, and Mr. President—4.

So the report was concurred in, and the bill ordered to a third reading.

Memorial No. 2, H. of R. file, relative to an amendment in the Organic law, &c. was read, and

On motion of Mr. Hempstead,

Was referred to the committee on the Judiciary.

The following message was received from the House of Representatives, by their Chief Clerk:

“MR. PRESIDENT:

The House of Representatives have passed the following resolution, in which I am directed to ask the concurrence of the Council:

Resolved, by the Council and House of Representatives of the Territory of Iowa, That the Post Master of Davenport, Scott county, be and he is hereby authorized to have the mail from Davenport to Du Buque, conveyed in two horse post coaches twice a week, during the present session of the Legislative Assembly, and that the Post Master General of the United States be memorialized by the Legislative Assembly to allow and pay the extra expense that may be incurred under this resolution.

On motion of Mr. Hempstead,

The Council adjourned.

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### Tuesday Morning, Dec. 4, 1838.

The Council met pursuant to adjournment.

Mr. Hempstead, from the Judiciary committee, to whom was referred Memorial No. 2, House of Representatives file, to the Congress of the United States, on the subject of an amendment of the Organic Law, &c., report the memorial to the Council with amendment.

Which report was concurred in, and the memorial, as amended, was adopted.

Mr. Ralston, from the Committee on Expenditures, to whom was referred the communication of J. G. Edwards, Esq. made the following report:

It appears that Mr. Edwards did, on Monday last, deliver to the Council, thirteen copies of the late laws of Wisconsin, for which he asks, in payment, \$22 75-100.

The committee are of opinion that the charge is a reasonable one,



and that Mr. Edwards should receive the full amount of his demand, \$22 75-100.

On motion of Ralston,

Resolved, That James G. Edwards shall receive an order from the President of the Council to the Secretary of the Territory, for the full sum of \$22 75-100, in payment for thirteen copies of the late Laws of Wisconsin, which he delivered to the Council on Monday the 3d inst.

On motion of Mr. Hempstead,

The resolution of the House of Representatives, on the subject of authorizing the Postmaster at Davenport to have the mail from Davenport to Du Buque carried in two-horse post coaches, &c., was taken up and read, and,

On motion of Mr. Inghram, was concurred in.

Bill No. 17, House of Representatives file, entitled,

An Act organizing a board of County Commissioners in each county in the Territory of Iowa, was taken up, and read a third time, and passed.

Bill No. 21, House of Representatives file, entitled,

An Act providing for the annual meeting of the Legislative Assembly of Iowa, was read a third time, and, on the question "shall the bill pass?"

Mr. Hempstead asked for the ayes and yeas, which are as follows:

Yeas—Messrs. Hepner, Inghram, Keith, Swazy, and Whittlesey.

—5.

Nays—Messrs. Clark, Hempstead, Hughes, Payne, Ralston, and Mr. President.—6.

So the bill did not pass.

On motion of Mr. Hempstead,

The Council adjourned until 2 o'clock, P. M.

## 2 O'CLOCK, P. M.

Mr. Payne, from the Committee on Engrossments, reported, That they have examined Bill No. 9, Council file, entitled,

A Bill to incorporate the City of Du Buque, and find it correctly engrossed.

Bill No. 2, House of Representatives file, being the special order of the day, was taken up and read:—Whereupon,

The Council resolved itself into committee of the whole, Mr. Whittlesey in the Chair, having under consideration said bill, entitled,

An Act to make valid and good in law, the acts of Robert G. Roberts, &c.

After some time spent therein, the committee rose, and, by their Chairman, reported the bill to the House without amendment, and asked the concurrence of the Council.

The Council concurred; and



On motion of Mr. Payne,  
The bill was laid upon the table.  
Bill No. 9, Council file, entitled,  
A Bill to incorporate the City of Du Buque, was taken up and read  
a third time.

Mr. Hempstead, on leave, offered the following amendment to said  
bill:

Strike out all after the word "to" in third line from bottom of sec-  
tion four, and insert the following: "the Governor of this Territory,  
(or State, as the case may be) who shall cause such person or persons  
to be conveyed to the proper jurisdiction for trial."

Which amendment was agreed to, and the bill, as amended, passed,  
and the title agreed to.

The following message was received from the House of Representa-  
tives, by their Chief Clerk:

MR. PRESIDENT—

The House of Representatives have concurred in Bill No. 11,  
of Council, authoring Timothy Fanning to establish and keep a Ferry  
across the Mississippi river, at the town of Du Buque.

The House have also passed bills of the following titles, viz:

No. 6. An Act providing for the establishment of Common Shools.

No. 22. An Act relating to information in the nature of Quo War-  
ranto, &c.

No. 26. An Act to authorize Jos. Williams and Charles A. War-  
field to keep a Ferry.

No. 28. An Act to provide for the collection of demands against  
boats and vessels.

In all of which I am directed to ask the concurrence of the Council.

Bill No. 16, House of Representatives file, was taken up and read  
a second time—Whereupon,

The Council resolved itself into committee of the whole, Mr. Hep-  
ner in the Chair, having under consideration said bill, entitled,

An Act to provide for the election of county Treasurers, and to de-  
fine their duties.

After some time the committee rose, and, by their Chairman, re-  
ported the bill to the House with sundry amendments, in which they  
asked the concurrence of the Council.

The Council concurred, and ordered the bill to a third reading.

Mr. Whittlesey, asked leave to bring in on some future day,

A Bill concerning trespass on property by cutting, injuring, des-  
troying, or taking away timber, which was granted; and

The Chair announced Messrs. Whittlesey, Swazy, and Inghram a  
committee to prepare and bring in the same.

Mr. Payne asked leave to introduce, on to-morrow,

A Bill to prevent firing woods and prairies, which was granted; and

The Chair announced Messrs. Payne, Ralston, and Hepner, a com-  
mittee to prepare and bring in the same.



On motion of Mr. Inghram,  
Resolved, That a committee of two members be appointed to confer with the Governor, and to report a bill to regulate the intercourse between the Executive and Legislative Department of the Territory.  
The Chair announced Messrs. Inghram and Swazy, said committee.  
Mr. Swazy asked leave to bring in, on to-morrow,  
A Bill prescribing the mode of trying the right of property; also,  
A Bill for the limitation of actions and for avoiding vexatious law suits, which was granted, and  
The Chair announced Messrs. Swazy, Clark, and Hempstead, a committee to prepare and bring in the same.  
On motion of Mr. Ralston,  
The Council adjourned.

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### Wednesday Morning, Dec. 5, 1838.

The Council met pursuant to adjournment.  
Mr. Payne, from the committee on Engrossments, reported that they have examined bills No. 6, 8, and 12, Council file, and find them correctly engrossed.  
The President submitted the following communication from L. Judson, Esqr.

*To the Honorable the President of the Council of the Territory of Iowa.*

SIR—I am in a situation to furnish your Honorable House with forty Maps of the Territory of Iowa, put up in book covers, three put up in canvass, and two on silk paper.

Your obt. servant,

L. JUDSON.

Burlington, 5th Dec., 1838.

Mr. Hempstead offered the following:  
Resolved, That L. Judson, Esqr. be requested to furnish the Council with the maps mentioned in his communication, dated Dec. 5th, 1838, and furnish the Council with his account for the same.  
Mr. Whittlesey moved to amend said resolution, so as to request L. Judson, Esqr. to furnish thirteen copies in the pocket book form, three copies on canvass with rollers, and two copies on silk paper;—and the resolution, as amended, was adopted.

Mr. Hempstead asked and obtained leave to bring in "A bill providing for the compensation of the officers of the Legislative Assembly of the Territory of Iowa," which was read, and ordered to be laid on the table and printed.



Mr. Payne, on previous notice and leave, presented "A bill to prevent firing woods and prairies," which was read, ordered to be laid on the table and printed.

Mr. Payne, asked and obtained leave to bring in, on some future day,

A bill for assessing and collecting county revenue; also,

A bill providing for and regulating General Elections in this Territory.

The President appointed Messrs. Payne, Hughes, and Keith, a committee to prepare and bring in the same.

Mr. Swazy, on previous notice and leave granted, introduced bills of the following titles viz:

No. 15. A bill prescribing the mode of trying the right of property.

No. 16. A bill for the limitation of actions, and for avoiding vexatious law suits;

Which bills were read, and ordered to be laid on the table and printed.

Bill No. 6, H. of R. file, entitled "An act providing for the establishment of Common Schools," was taken up, and read a first and second time, and ordered to a third reading.

Bill No. 22, H. of R. file, entitled "An act relating to informations in the nature of *quo warranto*, and regulating the mode of proceeding thereon," was taken up and read a first and second time, whereupon the Council resolved itself into committee of the whole, Mr. Clark in the chair, having under consideration said bill.

After some time, the committee rose, and by their chairman reported the bill to the House with sundry amendments, in which they ask the concurrence of the Council. The Council concurred, and the bill ordered to a third reading.

Mr. Clark asked and obtained leave to introduce, on to-morrow,

A bill to establish a Seminary of Learning in Louisa county;

Also, on some future day,

A bill to prevent frauds.

The President announced Messrs. Clark, Ralston, and Hepner, a committee to prepare and bring in said bills.

On motion of Mr. Hempstead,

The Council adjourned until 2 o'clock, P. M.

## 2 O'CLOCK, P. M.

Bill No. 26, H. of R. file, was read a first and second time, whereupon the Council resolved itself into committee of the whole, Mr. Hempstead in the Chair, having under consideration said bill, entitled

An act to authorize Joseph Williams and Charles Alexander Warfield to keep a ferry.



After some time, the committee rose, and by their Chairman, reported the Bill to the House with sundry amendments, in which they asked the concurrence of the Council. The Council concurred and ordered the bill to a third reading.

Mr. Payne submitted a communication of this date from Henry W. Moore, on the subject of Maps prepared by him for the use of Council; which communication,

On motion of Mr. Hempstead,

Was referred to the committee on Expenditures.

The following Message was received from the House of Representatives, by their Chief Clerk:

“MR. PRESIDENT—

The House of Representatives have concurred in the resolution of Council on the subject of Seals for the several courts of this Territory. Also, An act regulating the mode of taking depositions, &c.

The House have passed a memorial on the subject of making an appropriation for the survey and improvement of the navigation of the several streams therein named. In which they ask the concurrence of Council.

The House concurred in amendments made to sections 5 and 17, in bill No. 17, H. R. file, entitled ‘An act organizing a board of County Commissioners in each county;’ and have disagreed to amendment made to section 22 of said bill.

The House have also concurred in the amendment made by Council to a memorial on the subject of amending the Organic law.

The House have also passed a bill to divide the county of Henry and establish the county of Jefferson.

Also, No. 4, Council file with amendments, in which they ask the Council to concur.

Also the following resolution:

Resolved, by the Council and House of Representatives of the Territory of Iowa, That the Secretary of the Council and Chief Clerk of the House, shall receive six dollars per day for their services in this Assembly; and each of the additional Clerks, Sergeant-at-Arms, Door-keepers, Messengers, and Firemen, receive three dollars per day, to be paid by the Secretary of the Territory, upon the presentation of a certificate of their services, signed by the presiding officer of the House in which they served, and countersigned by the Secretary or Chief Clerk.”

Bill No. 28, H. R. file, was taken up and read a first and second time, whereupon the Council resolved itself into committee of the whole, Mr. Inghram in the chair, having under consideration said bill, entitled

An act to provide for the collection of demands against boats and vessels.

After some time, the committee rose, and by their chairman reported the bill to the House with sundry amendments, and asked their



concurrence. The Council concurred, and ordered the bill to a third reading.

Mr. Whittlesey from the committee on Enrolments, reported that they have compared enrolled with engrossed memorial, No. 1, Council file, and bill No. 1, H. R. file, and find them correctly enrolled; and have also presented said memorial and bill to the Governor for his approval and signature.

Mr. Inghram, from the committee appointed for that purpose, introduced "A bill regulating the intercourse between the Legislative and Executive departments of the Territory of Iowa;" which was read and ordered to be printed.

Mr. Whittlesey, from the committee appointed for that purpose, introduced "A bill concerning trespass on property, by cutting, injuring, destroying, or taking away timber, mineral or stone coal;" which was read and ordered to be printed.

Mr. Clark, from the committee on roads, reported "A bill to establish a Territorial road from Wapello to Du Buque;" which was read and ordered to be printed.

On motion of Mr. Inghram,

The resolution of the House of Representatives, relative to the compensation of the officers of the Legislative Assembly, was read and concurred in.

On motion of Mr. Hempstead,

The Council insist upon their amendment to the 22d section of bill No. 17, H. R. file, to which amendment the House have disagreed.

Mr. Hempstead moved that a committee of three be appointed on the part of the Council, to act with a similar committee of the House, in relation to the disagreeing vote of the two Houses; which was agreed to—whereupon,

The chair announced Messrs. Hempstead, Clark, and Payne, said committee on the part of the Council.

Mr. Swazy asked and obtained leave to bring in, on to-morrow, A bill requiring merchants and others to procure license, &c.

The chair announced Messrs. Swazy, Keith, and Hughes, the committee to prepare and bring in said bill.

On motion of Mr. Clark,

The Council adjourned.

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Thursday Morning, Dec. 6, 1838.

The Council met pursuant to adjournment.

On motion of Mr. Clark,

Resolved, That the twenty-sixth standing rule of the Council, re-



quiring the President to present bills to the Governor for his approval be rescinded.

On motion of Mr. Keith,

Resolved, That the committee on roads be instructed to enquire into the expediency of locating a Territorial Road from Wapello, in Louisa county, to Mount Pleasant, in Henry county, and thence to Bentonsport, in Van Buren county, and report by bill or otherwise.

Mr. Ralston, from the committee on Expenditures, made the following report:

The committee on Expenditures to whom was referred the communication of Henry W. Moore, offer the following report:

The committee are of opinion that Mr. Moore is entitled to five dollars for each map furnished for the use of the Council.

On motion of Mr. Ralston,

Resolved, That Henry W. Moore receive an order from the President of the Council to the Secretary of the Territory for the sum of sixty-five dollars, in payment for maps furnished for the use of the Council.

Mr. Clark, from the committee on roads, introduced

A Bill to locate and establish a Territorial Road from the ferry landing opposite Oquawka, to Napoleon, in Johnson county.

Which was read, and ordered to be printed.

Mr. Clark, from the select committee appointed for that purpose, introduced,

A Bill to establish a Seminary of Learning, &c.

Which was read, and ordered to be printed.

Bill No. 6, House of Representatives file, was taken up and read a third time, and

On motion of Mr. Inghram,

Was committed to the committee on Schools.

Bill No. 8, Council file, entitled,

A Bill concerning marriages, was read a third time, and passed.

Bill No. 12, Council file, entitled,

A Bill, to locate a Territorial Road from Fort Madison, &c. was read a third time, and on leave, was

On motion of Mr. Payne,

Amended by filling blank in first section with the following:

"The first perpendicular street east of the Fort Madison Hotel, and running north from said river;"

And the bill, as amended, was passed, and titles of said bills agreed to.

On motion of Mr. Hempstead,

The Council adjourned.



## Friday Morning, Dec. 7, 1838.

The Council met pursuant to adjournment.

On motion of Mr. Payne,

Leave of absence was granted to Mr. Clark until Tuesday next.

Mr. Hepner, from the Joint Committee on Enrolments, made the following report:

The Joint Committee on Enrolment, have examined,

An Act No. 11, Council file, to authorize Timothy Fanning to establish and keep a Ferry across the Mississippi river, at the town of Du Buque, and report that it is correctly enrolled.

Bill No. 13, Council file, was read a second time—Whereupon,

The Council resolved itself into committee of the whole, Mr. Ralston in the Chair, having under consideration said bill, entitled,

A Bill providing for the compensation of the officers of the Legislative Assembly of the Territory of Iowa,

And after some time, the committee rose, and by their Chairman, reported the bill without amendment.

And the Council concurred in the report.

Mr. Hepner moved to amend said bill in the first section and 8th line, by striking out the word "four" and insert the word "three."

And on the question "shall the bill be so amended?"

Mr. Hempstead called for the yeas and nays, and are as follows:

Yeas—Messrs. Hepner, Inghram, Keith, Swazy, and Whittlesey.—5.

Nays—Messrs. Hempstead, Hughes, Payne, Ralston, and Mr. President.—5.

So the amendment was lost.

Mr. Payne moved further to amend by striking out the word "five" in fifth line, and first section, and insert the word, "six,"

Which was agreed to.

Mr. Hempstead moved further to amend, by striking out the word "three" in the tenth line of first section, and insert the word "four."

Which was agreed to.

Mr. Payne moved further to amend said bill, by inserting after the word "Secretary" in fifth line of section one, the following, "of the Council shall receive five dollars per day and the" which was agreed to.

And the bill, as amended, was ordered to be engrossed for a third reading.

Bill No. 14, Council file, entitled,

A Bill to prevent firing woods and prairies, was read a second time, and considered in committee of the whole, Mr. Payne in the Chair,

And after some time, the committee rose, and by their Chairman,



reported the bill to the House with an amendment, in which the Council concurred; and,

On motion of Mr. Inghram,

The bill was referred to the committee on the Judiciary.

The following message from the House of Representatives was received by Mr. Fales, their Chief Clerk:

MR. PRESIDENT—

The House of Representatives have passed bills of the following titles, to wit:

No. 29, H. of R. file, entitled,

A Bill to authorize J. S. Kirkpatrick to establish and keep a Ferry across the Mississippi river, at the town of Bellview.

No. 31. A Bill to prevent trespass on School Lands.

No. 34. A Bill to locate and establish a Territorial road from Keokuck, on the Mississippi river, to Iowa City, on the Des Moines river.

No. 36. A Bill fixing the terms of the Supreme and District Courts of the Territory of Iowa, and for other purposes.

In all of which I am requested to ask the concurrence of the Council.

I am also requested to present to you for your signature, An Act to authorize Timothy Fanning to keep a Ferry, &c., the same having been signed by the Speaker of the House of Representatives.

And then he withdrew.

Bill No. 15, Council file, entitled,

A Bill prescribing the mode of trying the right of property, being under consideration, was read a second time, and considered in committee of the whole, Mr. Inghram in the Chair.

After some time, the committee rose, and by their Chairman, reported the bill to the House, with sundry amendments, in which the Council concurred.

Mr. Hempstead moved to strike out the word, "circuit," in fourth and sixth lines in section five, and insert "district" which was agreed to.

Mr. Hempstead moved to amend 2d section, 3d and 4th lines, by striking out the words, "to such reasonable time," and insert, "for the space of six days," which was lost.

Mr. Hempstead moved further to amend, by striking out the word "constable" wherever it occurs in said bill, which was agreed to.

Mr. Hempstead moved further to amend said bill at the end of the fifth section section, by adding the following:

Provided, That in all cases so appealed, no continuance shall be had by the party appealing as aforesaid, after the first term of said court, to which said appeal was taken.

Which was lost.

On motion of Mr. Hempstead,

The bill was referred to the Judiciary committee.

Bill No. 16, Council file, entitled,



A Bill for the limitation of actions, and for avoiding vexatious law suits,

Was read a second time, and considered in committee of the whole, Mr. Swazy in the Chair.

After some time spent in consideration of said bill, the committee rose, and, by their Chairman, reported the bill to the Council with sundry amendments, in which the Council concurred, and ordered the bill to be engrossed for a third reading.

On motion of Mr. Payne,  
The Council adjourned until 2 o'clock, P. M.

### 2 O'CLOCK, P. M.

Mr. Inghram, from the committee on Schools, to whom was referred Bill No. 6, H. of R. file, entitled,

An Act for the establishment of Common Schools, reported the bill back to the Council with amendments.

The bill with amendments was read—Whereupon,

The Council resolved itself into committee of the whole, Mr. Hempstead in the Chair, having under consideration said bill and amendments.

After some time, the committee rose, and by their Chairman, reported the bill to the Council, with sundry amendments, in which the Council concurred, and ordered the bill as amended, to a third reading.

The following message was received from the H. of R. by their Chief Clerk:

MR. PRESIDENT—

The House of Representatives have concurred in an act passed by the Council, entitled,

An Act to incorporate the City of Du Buque, with an amendment.

The House have also passed

An Act allowing and regulating writs of attachment.

An Act defining the duties of County Surveyors.

Also, A Memorial to the Congress of the United States on the subject of an appropriation of land for the erection of a Penitentiary.

In all of which I am requested to ask the concurrence of the Council.

The House have appointed Messrs. Swan, Beeler, and Roberts, a committee of conference on the disagreeing vote of the two Houses on the 22d section of bill No. 17, H. R. file.

Bill No. 17, Council file, was taken up and read a second time—Whereupon,

The Council resolved itself into committee of the whole, Mr. Hepner in the Chair, having under consideration said bill, entitled,

A Bill regulating the intercourse between the Legislative and Executive Departments of the Territory of Iowa.

After some time the committee rose, and by their Chairman, re-



ported the bill to the Council with sundry amendments, in which the Council concurred.

Mr. Hepner moved to amend said bill, in 3d section, by striking out "an" and "case" in the 10th line, which was agreed to,

And the bill, as amended, was ordered to be engrossed for a third reading.

Bill No. 18, Council file, entitled,

A Bill concerning trespass on property by cutting, injuring, destroying, and carrying away, any timber, mineral, or stone coal, was read a second time, and considered in committee of the whole, Mr. Inghram in the Chair.

After some time spent in consideration of said bill, the committee rose, and by their Chairman, reported the bill to the Council with sundry amendments, in which the Council concurred, and ordered the bill, as amended, to be engrossed for a third reading.

Bill No. 19, Council file, entitled,

A Bill to locate and establish a Territorial road, from the town of Wapello, in Louis county, to the town of Du Buque, in Du Buque county, being under consideration, was read a second time, and considered in committee of the whole, Mr. Payne in the Chair.

After some time spent in consideration of said bill, the committee rose, and by their Chairman, reported the bill to the Council with one amendment, in which the Council concurred, and ordered the bill to be engrossed and read a third time.

The following message was received from the House of Representatives by their Chief Clerk:

MR. PRESIDENT:—I am requested to inform the Council, that the House of Representatives have adopted the following resolution, in which they ask the concurrence of the Council:

Resolved, by the Council and House of Representatives of the Territory of Iowa, That, in consequence of the communication from the Honorable Secretary of this Territory, relating to the expenditure of public money, &c., dated Dec. 7th inst., and the difficulties attending the same, that it is expedient to adjourn until Monday next, for the purpose of assembling in convention, in the Hall of the House of Representatives, to take into consideration the best mode of future procedure, and that the Chief Clerk be instructed respectfully to invite the Governor of the Territory, and the Council to meet this House at 11 o'clock, to-morrow morning, in convention.

On motion of Mr. Hempstead,

The Council *concurred* in said resolution.

Mr. Payne moved to take up Bill No. 23, H. of R. file, and before any action was had thereon,

On motion of Mr. Hepner,

The Council adjourned until Monday next.



## Monday Morning, Dec. 10, 1838.

The Council met pursuant to adjournment.

Mr. Hempstead offered the following:

Resolved, That a special committee of three members of the Council, be appointed for the purpose of taking into consideration, "A bill regulating the intercourse between the Legislative and Executive departments of the Territory of Iowa," Council file, No. 17, and also to enquire who drafted the same, and that said committee shall have power to send for persons and papers.

Mr. Payne moved to lay the resolution on the table, and be made the order of the day for to-morrow; and on said question, the yeas and nays being called for, were as follows:

Yeas—Messrs. Hempstead, Hughes, Keith, Parker, Payne, Ralston, Swazy, and Mr. President—8.

Nays—Messrs. Hepner and Whittlesey—2.

Mr. Payne, from the committee on Engrossments, reported that they have examined bills of the following Nos., Council file, and find them correctly engrossed, bills No. 13, 16, 17, 18, and 19.

Bill No. 5, H. of R. file, entitled "An act providing for the safe keeping and management of the Territorial Library," being under consideration, was read a second time, and considered in committee of the whole, Mr. Whittlesey in the chair.

After some time, the committee rose, and by their chairman reported the bill to the House with sundry amendments, in which the Council concurred, and

On motion of Mr. Swazy,

Said bill was re-committed to the judiciary committee.

On motion of Mr. Hughes,

Bill No. 23, H. R. file, was taken up and read a first and second time, and considered in committee of the whole, Mr. Swazy in the chair, having under consideration said bill, entitled

An act to divide the county of Henry, and to establish the county of Jefferson.

After some time, the committee rose, and by their chairman reported the bill to the House with sundry amendments; and on the question, will the Council concur in the report of the committee?

Mr. Hughes moved to amend 3rd section of said bill, by striking out "Paynesville," which was agreed to, and

On motion of Mr. Payne,

"Randolph," was inserted in said 3rd section.



The report of the committee of the whole was then concurred in with amendments of the Council.

On motion of Mr. Payne,

The 14th rule of the Council was suspended, and the bill read a third time; and on the question, shall the bill pass?

Mr. Payne called for the yeas and nays which are as follow;

Yeas—Messrs. Hempstead, Hughes, Keith, Parker, Payne, Swazy, Whittlesey, and Mr. President—8.

Nays—Messrs. Hepner, and Ralston—2.

So the bill was passed and title agreed to.

Bill No. 20, Council file, entitled "A bill to locate and establish a Territorial Road," &c. being under consideration, was read a second time, and considered in committee of the whole, Mr. Hempstead in the Chair.

After some time, the committee rose, and by their Chairman, reported the Bill to the Council with amendments, in which the Council concurred, and ordered the bill to be engrossed for a third reading.

Bill No. 21, Council file, entitled "A bill to establish a seminary of learning at Wapello in Louisa county," being under consideration, was read a second time, and considered in committee of the whole, Mr. Payne in the chair.

After some time the committee rose, and, by their Chairman, reported the bill to the House with amendments, in which the Council concurred, and ordered the bill to be engrossed for a third reading.

On motion of Mr. Hepner,

The Council adjourned until 2 o'clock, P. M.

## 2 O'CLOCK, P. M.

The following message was received from the House of Representatives, by their Chief Clerk:

"MR. PRESIDENT—

The House of Representatives have passed a memorial to the Congress of the U. S. on the subject of granting pre-emption rights to owners of mineral lots; also,

An act relative to Mechanics' liens, and for other purposes;

In which the concurrence of the Council is requested.

The House have also concurred in the following acts of Council, viz:

An act to provide for laying out and opening Territorial roads.

An act to provide for the incorporation of Agricultural Societies."

Bill No. 6, Council file, entitled "A bill to organize, discipline and govern the militia of this Territory," was read a third time and passed.

Bill No. 6, H. R. file, entitled "An act providing for the establishment of common schools," was read a third time and passed.

Bill No. 22, H. R. file, entitled "An act relating to informations in



the nature of *quo warranto*, and regulating the mode of proceeding hereon," was read a third time and passed, and the titles of said bills agreed to.

Bill No. 4, H. R. file, entitled "An act regulating criminal proceedings," being the special order of the day, was taken up, and

On motion of Mr. Hempstead,  
Was made the order of the day for to-morrow.

On motion of Mr. Hempstead,  
The Council adjourned.

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### Tuesday Morning, Dec. 11, 1838.

The Council met pursuant to adjournment.

Mr. Payne, from the committee on Engrossments, reported bills of the following titles as correctly engrossed:

Bill No. 20, Council file, entitled A bill to locate and establish a Territorial road from the ferry landing opposite Oquawka to Napoleon in Johnson county; also,

Bill No 21, A bill to establish a seminary of learning at Wapello, in Louisa county.

Bill No. 13, Council file, entitled "A bill providing for the compensation of the officers of the Legislative Assembly of the Territory of Iowa," was read a third time, and

On motion of Hempstead,  
Said bill was laid on the table.

Bill No. 16, Council file, entitled "A bill for the limitation of actions," &c was read a third time and passed.

Bill No. 17, Council file, entitled "A bill regulating the intercourse between the Legislative and Executive departments," &c. was read a third time and passed.

Bill No. 18, Council file, entitled "A bill concerning trespass," &c. was read a third time and passed.

Bill No. 19, Council file, entitled "A bill to establish a Territorial road," &c. was read a third time and passed.

Bill No. 26, H. R. file, entitled "An act to authorize Joseph Williams, &c. to keep a ferry," &c. was read a third time and passed, and the titles of said bills agreed to.

Bill No. 28, H. R. file, entitled "An act to provide for the collection of demands against boats and vessels," was read a third time, and

On motion of Mr. Hempstead,  
Said bill was referred to the committee on the Judiciary.

Bill No. 16, H. R. file, entitled "An act to provide for the election



of County Treasurers, and to define their duties," was read a third time and passed, and the title agreed to.

Bill No. 4, H. R. file, entitled "An act to regulate the criminal code of procedure," being the special order of the day, was read and considered in committee of the whole, Mr. Clark in the chair.

After some time, the committee rose, and by their chairman reported the bill to the House with sundry amendments.

The following message was received from the House of Representatives, by their Chief Clerk:

"MR. PRESIDENT:

The House of Representatives have passed bills of the following titles, viz:

An act to regulate ferries.

An act to authorize John H. Sullivan and A. H. Davenport to establish and keep a ferry across the Mississippi river at the town of Rockingham.

An act to repeal an act of the Legislative Assembly of the Territory of Wisconsin, approved Jan. 19th, 1838.

In all of which the concurrence of Council is requested.

On motion of Mr. Payne,

The Council adjourned until 3 o'clock, P. M.

### 3 O'CLOCK, P. M.

The report of the committee of the whole, to whom was referred Bill No. 4, H. of R. file, being under consideration, the several amendments made to said bill by the committee, up to the 60th section, were separately concurred in, and

On motion of Mr. Swazy,

The 60th section of said bill was referred to the Judiciary committee.

On motion of Mr. Swazy,

Mr. Whittlesey and Inghram were added to the Judiciary committee.

Resolution No. 1, of Council, relative to the appointment of a committee, to enquire who drafted Bill No. 17, Council file, &c. being under consideration.

Mr. Payne moved to indefinitely postpone said resolution, which was agreed to.

On motion of Mr. Ralston,

Resolved, That all public Printers within the Territory of Iowa, be permitted to take seats at pleasure within the bar of this House.

Bill No. 20, Council file, entitled,

A Bill to locate and establish a Territorial road, &c., was read a third time, and passed, and title agreed to.

Bill No. 21, Council file, entitled,

A Bill to establish a Seminary of Learning, &c., was read a third time, and passed, and the title agreed to.

Mr. Whittlesey, from the Committee on Enrolments, reported, That



they have presented Bill No. 11, Council file, to the Governor for his approval and signature.

Memorial of the House of Representatives, to the Congress of the United States, on the subject of an appropriation for the improvement of the navigation of the several streams therein named, being under consideration, was read.

Mr. Payne moved to refer said Memorial to the Committee on Claims.

Mr. Hepner moved to amend, by referring the same to the committee on Territories.

Mr. Hempstead moved further to amend by referring the same to the committee on Roads.

Mr. Clark moved further to amend by referring said Memorial to the committee on the Judiciary.

Which motion, as last amended, was agreed to.

Bill No. 2, H. of R. file, entitled,

An Act to make good and valid in law, the acts of Robert G. Roberts, &c., was read a third time and passed, and the title agreed to.

On motion of Mr. Clark,

The Council adjourned.

### Wednesday Morning, Dec. 12, 1838.

The Council met pursuant to adjournment.

Mr. Clark presented the Petition of sundry citizens of Johnson county, remonstrating against being attached to Cedar county for judicial purposes, which was laid on the table.

On motion of Mr. Inghram,

Resolved, That leave be given to bring in a bill authorizing the Legislative Assembly to punish for contempt, and to privilege the members from arrest, which was adopted; and

The Chair announced Messrs. Inghram, Clark, and Whittlesey a committee to prepare and bring in said bill.

Bill No. 4, Council file, returned from the House of Representatives, with sundry amendments, was taken up and read; and

On motion of Mr. Inghram,

Said bill was committed to the Judiciary committee.

Bill No. 29, H. of R. file, entitled,

An Act to authorize J. S. Kirkpatrick to establish and keep a ferry, &c., was read a first and second time, and considered in committee of the whole, Mr. Inghram in the Chair, having under consideration said bill.

After some time, the committee rose, and by their Chairman, re-



ported the bill to the House, with an amendment, in which the Council concurred, and ordered the bill to a third reading.

Bill No. 31, H. of R. file, entitled,

An Act to prevent trespass on School lands, was taken up and read, and,

On motion of Mr. Whittlesey,

The bill was laid upon the table.

The following message was received from the House of Representatives, by Mr. Fales, their Chief Clerk:

MR. PRESIDENT—

The House of Representatives have concurred in all the amendments made by the Council to bill No. 6, H. of R. file, except the 6th section, and have amended the 15th section, added by the Council.

The House have also concurred in all of the amendments made by the Council to Bill No. 22, H. of R. file, except the 19th section, and have amended the 27th section added by the Council.

Bill No. 34, H. of R. file, 'An Act to locate and establish a Territorial Road,' &c., was read a first and second time, and considered in committee of the whole, Mr. Whittlesey in the Chair, having under consideration said bill.

After some time, the committee rose, and by their Chairman, reported the bill to the House without amendment.

In which report the Council concurred, and ordered the bill to a third reading.

Bill No. 36, H. of R. file, 'An Act fixing the terms of the Supreme and District Courts,' &c. being read, was,

On motion of Mr. Payne,

Referred to a select committee to consist of one member from each election district, which was agreed to, and

The Chair announced Messrs. Payne, Clark, Hempstead, Inghram, Parker, Swazy, and Whittlesey, said committee.

A Memorial of the H. of R. to the Congress of the United States, on the subject of an appropriation of land for the erection of a Penitentiary, was read and considered in committee of the whole, Mr. Payne in the Chair, having under consideration said memorial.

After some time, the committee rose, and reported the memorial to the House, without amendment, in which the Council concurred, and

On motion of Mr. Whittlesey,

The memorial was referred to the committee on Internal Improvement.

On motion of Mr. Hepner,

Resolved, by the Council and House of Representatives, That it be made the duty of the Messengers of each House, whenever a bill is printed to furnish each and every member of both branches of the Legislature with a copy of said bill.

Bill No. 9, Council file, 'An Act to incorporate the City of Du Buque,' being returned from the H. of R. with an amendment.



Said amendment being read, and under consideration, was concurred in by the Council.

Bill No. 33, H. of R. file, entitled 'An Act allowing and regulating writs of attachment,' being read a first and second time, was considered in committee of the whole, Mr. Hempstead in the Chair.

After some time, the committee rose, and, by their Chairman, reported progress to the House, and asked leave to sit again—which was granted.

On motion of Mr. Payne,  
The Council adjourned until 2 o'clock, P. M.

### 2 O'CLOCK, P. M.

The unfinished business of the morning, viz:

Bill No. 33, H. of R. file, being under consideration in committee of the whole,

The committee resumed the consideration of said bill, and after going through with the same, by their Chairman, reported the bill to the House with sundry amendments, in which the Council concurred; and,

On motion of Mr. Clark,

Said bill was committed to the Judiciary committee.

Bill No. 37, H. of R. file, entitled, 'An Act defining the duties of county surveyors,' was read a first and second time and considered in committee of the whole Mr. Hepner in the chair.

After some time spent therein, the committee rose, and by their Chairman reported the bill to the Council, with an amendment, in which the Council concurred, and ordered the bill to a third reading.

Mr. Payne, from the Select Committee, to whom was referred Bill No. 36, H. of R. file,

An Act fixing the terms of the Supreme and District Courts, &c., reported the bill back to the Council with amendments, which were read; and,

On motion of Mr. Hempstead,

Was re-committed to the same committee.

Mr. Keith, from the committee on Roads, presented

A Bill No. 22, to locate and establish a Territorial road from Wapello, &c., which was read a first and second time, and ordered to be printed.

Bill No. 32, H. of R. file, entitled, 'An Act relating to mechanics' liens, and for other purposes,' was read a first and second time, and considered in committee of the whole, Mr. Inghram in the chair.

After some time, the committee rose, and by their chairman, reported the bill to the Council without amendment, in which the Council concurred, and ordered the bill to a third reading.

Memorial, H. of R. file, to the Congress of the United States, upon the subject of 'Pre-emption rights to owners of mineral lots,' was read and concurred in.



Mr. Inghram, from the select committee appointed for that purpose, presented A Bill, No. 23, Council file, to authorize the Legislative Assembly to punish for contempt, and to privilege the members from arrest.

Which bill was read a first and second time, and considered in committee of the whole, Mr. Clark in the chair.

After some time, the committee rose, and by their chairman, reported the bill to the Council without amendment, in which the Council concurred, and ordered the bill to a third reading.

Bill No. 38, H. of R., entitled, 'An Act to regulate ferries,' was read a first and second time.

Bill No. 40, H. of R. file, entitled, 'An Act to authorize John H. Sullivan, &c., to keep a ferry,' &c., was read a first and second time, and considered in committee of the whole, Mr. Inghram in the chair. After some time, the committee rose, and by their chairman, reported the bill to the Council without amendment.

In which report the Council concurred, and ordered the bill to a third reading.

Mr. Whittlesey asked and obtained leave to introduce on some future day, 'A Bill concerning Apprentices.'

Also, 'A Bill to provide a standard of weight for grain.'

The chair announced Messrs. Whittlesey, Clark, and Parker, a committee to prepare and bring in the same.

Bill No. 43, H. of R. file, entitled 'An Act, to repeal an act of the Legislative Assembly of the Territory of Wisconsin, approved, January 19, 1838,' was read a first and second time, and considered in committee of the whole, Mr. Clark in the chair.

After some time, the committee rose, and by their chairman, reported the bill to the Council without amendment, in which report the Council concurred, and ordered the bill to a third reading.

On motion of Mr. Payne,

The Council adjourned.

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### Thursday Morning, Dec. 13, 1838.

The Council met pursuant to adjournment.

On motion of Mr. Payne,

Resolved, That the Wm. B. Conway, Secretary of the Territory of Iowa, is hereby authorized to pay to the several officers of the Council, the per diem pay as herein specified, to wit: The Secretary of the Council six dollars; the Assistant Secretary five dollars; the Engrossing, Enrolling and Recording Clerks four dollars; the Sergeant-at-Arms, Door-keeper, Assistant Door-keeper, Messenger, and Assist-



ant Messenger, and Fireman, four dollars per day; and that this resolution is considered by the Council a sufficient and legal voucher, under the Organic Law, for the Hon. Wm. B. Conway paying, as above specified, out of the funds in his hands, appropriated for defraying the expenses of this Legislative Assembly.

Mr. Whittlesey moved to amend said resolution, by striking out the word "four," wherever it occurs, and insert the word "three;" which was agreed to, and the resolution, as amended, was adopted.

Mr. Clark, in pursuance of previous notice and leave granted, introduced A bill (No. 24, C. F.) for the prevention of frauds; which was read and ordered to be printed.

Mr. Clark asked and obtained leave, on some future day, to introduce A bill to regulate descents, distribution and dower.

The chair announced Messrs. Clark, Hempstead, and Hepner, a committee to prepare and bring in said bill.

Mr. Hempstead, from the judiciary committee, to whom was referred bill No. 28, H. of R. file, reported the bill with an amendment, which was read and considered in committee of the whole, Mr. Clark in the chair.

After some time the committee rose, and by their chairman reported the bill to the Council as amended by the judiciary committee, which report was concurred in by the Council, and ordered the same to a third reading.

The following message from the House of Representatives, was delivered by Mr. Fales, their Chief Clerk:

"MR. PRESIDENT:

The House of Representatives have passed bills of the following titles, to wit:

An act to provide for the incorporation of Townships.

An act concerning debtors and their securities.

An act to prevent and punish gambling; also,

A Memorial to the Post Master General of the U. S.

The House have also concurred in bill No. 17, of Council file; and have passed a substitute for bill No. 12, Council file; in all of which the concurrence of Council is requested."

And then he withdrew.

Bill No. 38, H. R. file, entitled "An act to regulate ferries," was read a second time, and considered in committee of the whole, Mr. Hempstead in the chair.

The committee rose, and by their chairman reported the bill to the Council without amendment, in which report the Council concurred.

Mr. Payne moved to amend said bill, in third section, by adding the following at the end of said section:

"Provided that all ferries so established shall not be nearer than one mile of each other." Which was agreed to.

Mr. Hempstead moved further to amend said bill, in the first section, by striking out the words, "except the Mississippi river," which



was agreed to. Also, in the 5th section, second line, insert "o boats," which was agreed to, and the bill as amended ordered to third reading.

Bill No. 29, H. R. file, entitled An act to authorize J. S. Kirkpatrick to establish and keep a ferry, &c. was read a third time and passed.

Bill No. 34, H. R. file, entitled An act to locate and establish a Territorial road, &c. was read a third time and passed.

Bill No. 37, H. R. file, entitled An act defining the duties of surveyors, was read a third time and passed.

Bill No. 32, H. R. file, entitled An act relating to mechanics' liens &c. was read a third time and passed.

Bill No. 40, H. R. file, entitled An act to authorize John H. Sullivan, &c. to keep a ferry, &c. was read a third time and passed.

Bill No. 43, H. R. file, entitled An act to repeal an act of the Legislative Assembly of the Territory of Wisconsin, &c. was read a third time and passed.

Bill No. 23, Council file, entitled A Bill to authorize the Legislative Assembly to punish for contempt, &c. was taken up.

On motion of Mr. Inghram,

The rule requiring bills to be engrossed, was suspended, and the bill read a third time and passed, and the titles of said bills agreed to.

Bill No. 6, H. R. file, entitled An act providing for the establishment of common schools; the disagreement of the House of Representatives to amendments made by the Council, to the 6th and 15th sections of said bill, being under consideration, which amendments were read, and

On motion of Mr. Hempstead,

Were referred to the committee on schools.

On motion of Mr. Hughes,

The Council adjourned until 2 o'clock, P. M.

## 2 O'CLOCK, P. M.

Mr. Hempstead offered the following:

Resolved, That James G. Edwards furnish weekly, ten copies of the "Burlington Patriot," to each member of the Council during the session.

Mr. Payne moved to lay the resolution on the table; and on the question to lay on the table, the yeas and nays being called for, are as follow:

Yeas—Messrs. Hughes, Keith, and Payne—3.

Nays—Messrs. Clark, Hempstead, Hepner, Whittlesey, and Mr. President—5.

So the motion to lay on the table was lost.

The question then recurred upon the adoption of the resolution; on which question the yeas and nays being called for, are as follow:



Yeas—Messrs. Clark, Hempstead, Hepner, Whittlesey, and Mr. President—5.

Nays—Messrs. Hughes, Keith, and Payne—3.

So the resolution was adopted.

Bill No. 22, Council file, entitled A bill to locate and establish a Territorial road from Wapello, &c. was read a second time and considered in committee of the whole, Mr. Payne in the chair.

After some time, the committee rose, and by their chairman, reported the bill to the Council with amendments, in which the Council concurred, and ordered the bill to be engrossed for a third reading.

Bill No. 22, H. R. file, entitled An act relating to informations in the nature of *quo warranto*, &c. which bill was amended by the Council and returned to the House. The House of Representatives have returned the same back to the Council with notice of their disagreement to the amendment made by Council, to the 19th section; and that they have amended the 27th section of said bill, added by Council, which disagreement and amendment being under consideration,

On motion of Mr. Clark,

The Council receded from their amendment to the 19th section of said bill, and concurred in the amendment of the H. of R. to the 27th section, added by Council.

Mr. Clark presented the petition of sundry citizens of Des Moines county, praying to be attached to Lee county.

Mr. Hepner moved to lay said petition on the table; on which question the yeas and nays being called for, were as follow:

Yeas—Messrs. Hepner, Inghram, Keith, and Whittlesey—4.

Nays—Messrs. Clark, Hempstead, Hughes, Payne, and Mr. President—5.

So the question was determined in the negative.

Mr. Payne moved to refer said petition to a select committee; which was agreed to, and

The chair announced Messrs. Payne, Keith, and Clark, said committee.

Mr. Hepner moved that said committee be instructed to report on the 25th inst.; which was agreed to.

The following message was received from the House of Representatives by Mr. Fales their Chief Clerk:

“MR. PRESIDENT—

The House of Representatives have passed bills of the following titles, to wit:

An act concerning divorce.

An act for the relief of the poor.

The House have concurred in the amendment made by Council to the 1st section of bill No. 16, H. R. file, and have disagreed to amendments made in section 5 and 7 of said bill.



The House have also concurred in the resolution of the Council, with regard to the Messengers of both Houses.

Mr. Hempstead, from the Judiciary committee to whom was referred, Bill No. 5, H. of R. file, entitled,

'An Act to provide for the safe keeping and management of the Territorial Library,' reported the same back to the House with sundry amendments—Whereupon,

The Council resolved itself into committee of the whole, Mr. Clark in the chair, having under consideration said bill and amendments.

After some time, the committee rose and by their chairman reported the bill to the Council with the same amendments made by the Judiciary committee, in which report the Council concurred, and ordered the bill, as amended, to a third reading.

Bill No. 25, H. of R. file, entitled, 'An Act to provide for the incorporation of Townships,' being under consideration was read a first and second time;—Whereupon,

Mr. Payne moved to lay the bill on the table, until the 25th day of December, A. D. 1840, which was not agreed to.

Mr. Payne then moved that the Council resolve itself into a committee of the whole upon said bill, which was agreed to, Mr. Whittlesey in the chair.

After some time spent in consideration of said bill, the committee rose, and by their chairman, reported the bill to the Council without amendment, in which report the Council concurred.

And on the question "shall the bill be ordered to a third reading?" The yeas and nays being called for, were as follows:

Yeas—Messrs. Clark, Hepner, Hughes, Whittlesey, and Mr. President.—5.

Nays—Messrs. Hempstead, Keith, Parker, and Payne.—4.

So the bill was ordered to a third reading.

Bill No. 12, Council file, entitled, 'An Act to locate a road from Fort Madison, in Lee county, to Trenton, in Henry county,' being returned from the House of Representatives with an amendment.

Which amendment, being read and under consideration,

On motion of Mr. Clark,

The Council concurred in said amendment to said bill.

Memorial of the House of Representatives, to the Post Master General, being read and under consideration, was concurred in by the Council.

Bill No. 51, House of Representatives file, entitled, 'An Act concerning debtors and their securities,' was read a first and second time, and considered in committee of the whole, Mr. Hempstead in the chair. After some time, the committee rose, and by their chairman reported progress, and asked leave to sit again, which was granted.

On motion of Mr. Payne,

The Council adjourned.



## Friday Morning, Dec. 14, 1838.

The Council met pursuant to adjournment.

Mr. Payne presented the Petition of sundry citizens of Henry county, praying for ferry privileges at the town of Baltimore, &c., which was,

On motion of Mr. Payne,

Referred to the committee on Territorial affairs.

On motion of Mr. Payne,

Resolved, That there be a standing committee appointed on Post Routes and Post Offices, which was adopted, and,

The chair announced Messrs. Payne, Whittlesey, and Hempstead said committee.

Mr. Whittlesey, in pursuance of previous notice and leave granted, presented

A Bill, No. 25, Council file, to provide a standard of weight for grain, &c., which was read and ordered to be printed.

Mr. Payne, from the committee on Engrossments, reported, That they have examined Bill No. 22, Council file, and find it correctly engrossed.

Mr. Hempstead, from Judiciary committee, to whom was referred Bill No. 15, Council file, entitled,

A Bill prescribing the mode of trying the right of property, reported the same to the Council, with sundry amendments, which were considered in committee of the whole, Mr. Hepner in the chair.

After some time, the committee rose, and by their chairman, reported the bill to the Council with the same amendments, made by the Judiciary committee, which report was concurred in by the Council, and the bill ordered to a third reading.

Mr. Hempstead, from the Judiciary committee, to whom was referred Bill No. 4, Council file, entitled 'An Act relative to Promissory notes, bonds, due bills, and other instruments of writing,' reported the same back to the Council with sundry amendments.

Mr. Clark moved, that the Council concur in the amendments made to said bill, No. 4, by the House of Representatives, which motion was agreed to.

Mr. Hepner moved to lay said bill on the table, which motion was lost.

Mr. Parker, from the committee on Enrollments, reported, That they have examined the resolution of the Council in relation to Seals, and find the same correctly enrolled.

Bill No. 51, H. of R. file, being the unfinished business of yester-



day, the consideration of the same was resumed by the committee of the whole, Mr. Clark in the chair.

After some time, the committee rose, and by their chairman, reported the bill to the Council with sundry amendments, in which the Council concurred, and ordered the bill to a third reading.

The following message from the House of Representatives, was delivered by Mr. Fales, their Chief Clerk:

MR. PRESIDENT—

The House of Representatives have passed bills of the following titles:

An Act to prevent the selling of spirituous liquors to Indians.

An Act to allow and regulate the action of right.

An Act to authorize Ralph Letton to establish and keep a ferry across the Mississippi river at the town of Parkhurst.

An Act regulating interest on money in the Territory of Iowa; and

An Act to punish the venders of unwholesome liquors, and provisions. Which bills I am directed to present to the Council for its concurrence.

And then he withdrew.

Bill No. 22, Council file, entitled, 'A Bill to locate and establish a Territorial road from Black Hawk,' &c., was read a third time and passed, and the title agreed to.

Bill No. 25, H. of R. file, entitled, 'An Act to provide for the incorporation of Townships,' being under consideration,

Mr. Hempstead moved to dispense with the reading of said bill, and to lay the same on the table.

The yeas and nays being called for on said question, are as follows:

Yeas—Messrs. Hempstead, Parker, Payne, and Mr. President.—4.

Nays—Messrs. Clark, Hepner, Hughes, Keith, and Whittlesey.—5.

So the motion to lay on the table was lost.

Mr. Hempstead then moved to re-commit said bill to a committee of the whole; and,

Mr. Payne moved to amend said motion by committing said bill to the committee on Territorial Affairs, which was accepted; and on the motion as amended to commit said bill, the yeas and nays being called for were as follows:

Yeas—Messrs. Hempstead, Hepner, Parker, Payne, Whittlesey, and Mr. President.—6.

Nays—Messrs. Clark, Hughes, and Keith.—3.

So the motion, as amended, was agreed to.

Bill No. 52, H. of R. file, entitled, 'An Act to prevent and punish gambling,' being under consideration, was read a second time and considered in committee of the whole, Mr. Hempstead in the chair.

After some time, the committee rose and by their chairman, reported the bill to the Council with amendments; and,

On the question "will the Council concur in said report?"

Mr. Payne called for a division of the question; and,



On the question "Will the Council concur in the amendment made to said bill, by adding section 15 thereto?" it was decided in the affirmative. And,

On the question "Will the Council concur in the amendment made to 9th section of said bill?" the yeas and nays being called for, were as follows:

Yeas—Messrs. Clark, Hempstead, Hepner, Keith, Parker, Whittlesey, and Mr. President.—7.

Nays—Mr. Payne.—1.

So the amendment was concurred in.

Mr. Hempstead moved to strike out the 9th section, which was lost; and the bill, as amended, was ordered to a third reading.

Mr. Hepner, asked leave of absence for Mr. Parker, Assistant Messenger, for 24 hours, which was granted.

On motion of Mr. Hempstead,

The Council adjourned until 3 o'clock, P. M.

### 3 O'CLOCK, P. M.

Mr. Payne, from the committee on Engrossments, reported, That they have examined Bill No. 5, H. of R. file, and find the same correctly engrossed.

Mr. Parker, from the committee on Enrolments, reported, That they have examined Bill No. 3, Council file, and find the same correctly enrolled.

Bill No. 5, H. of R. file, entitle, 'An Act to provide for the safe keeping and management of the Territorial Library,' was taken up, read a third time, and passed, and the title agreed to.

The following message was received from the House of Representatives, by their Chief Clerk.

MR. PRESIDENT—

I am directed to present to you for your signature, the following:

H. of R. file, No. 2, 17, 23, 26, 34, and 43.

Also, two memorials to the Congress of the United States.

The same having been signed by the Speaker of the H. of R.

Which bills were severally signed by the President of the Council.

Bill No. 27, H. of R. file, entitled, 'An Act concerning Divorce,' was read a first and second time, and considered in committee of the whole, Mr. Hempstead in the chair.

After some time, the committee rose, and by their chairman, reported the bill to the Council with sundry amendments, in which the Council concurred.—Whereupon,

Mr. Clark moved to amend said bill in the first section, by striking out the word "two," and insert "one," on which question the yeas and nays were called for, and are as follows:

Yeas—Messrs. Clark, Hempstead, Hepner, Hughes, Whittlesey, and Mr. President.—6.



Nays—Messrs. Inghram, Keith, Parker, and Payne.—4.

So the question was determined in the affirmative.

Mr. Hempstead moved further to amend, by striking out the 9th section of said bill; and on the question, the yeas and nays being called for, were as follows:

Yeas—Messrs. Hempstead, Hughes, and Payne—3.

Nays—Messrs. Clark, Hepner, Inghram, Keith, Parker, Whittlesey, and Mr. President—7.

So the question was determined in the negative.

Mr. Clark moved further to amend said bill, by striking out of the 6th section all after the word "*founded*;" and on the question the yeas and nays being called for, are as follows:

Yeas—Messrs. Clark, Hepner, Inghram, Payne, Whittlesey, and Mr. President—6.

Nays—Messrs. Hempstead and Keith—2.

So the question was determined in the affirmative, and the bill, as amended, was ordered to a third reading.

Bill No. 16, H. R. file, entitled, 'An Act to provide for the election of county Treasurers, and to define their duties,' being under consideration, was read, as amended by the Council, to which amendments the House have disagreed.

Mr. Clark moved that the Council insist upon their amendments to said bill, which was agreed to.

Mr. Hempstead moved that a committee of conference be appointed to consist of three members of the Council, to act with a similar committee of the House in relation to the disagreeing vote of the two Houses—Whereupon,

The chair announced Messrs. Hempstead, Clark, and Swazy said committee on the part of the Council.

Bill No. 48, H. R. file, entitled, 'An Act for the relief of the poor,' being under consideration, was read a first and second time.

The following message was received from the House of Representatives, by Mr. Fales, their Chief Clerk:

MR. PRESIDENT—

The House of Representatives have adopted the following preamble and resolution:

Whereas, It is desirable to have an interchange of statute laws, with the several States and Territories of the Union—Therefore,

Resolved, by the Council and House of Representatives of the Territory of Iowa, That a copy of the Statute Laws of this Territory be transmitted by the Secretary of the Territory to each of the Secretaries of State of the several States and Territories, accompanied with a request, soliciting an interchange of Statute Laws with them, and that he is hereby instructed to keep a book, in which he shall enter the date of the times he may receive and transmit such laws, and that he make report of his proceedings therein at the next session of the Legislative Assembly.



In which the concurrence of the Council is requested.

The House have also concurred in No. 21, Council file, entitled, 'An Act to establish a Seminary of Learning at Wapello, in Louisa county,' and have disagreed to the amendment made by the Council to an act defining the duties of County Surveyors.

On motion of Mr. Payne,

The Council adjourned.

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### Saturday Morning, Dec. 15, 1838.

The Council met pursuant to adjournment.

Mr. Payne, from the select committee, to whom was referred bill No. 36, H. R. file, reported said bill to the Council with sundry amendments, in which the Council concurred, whereupon the Council resolved itself into committee of the whole, Mr. Clark in the chair, having under consideration said bill, entitled

An act fixing the time of the Supreme and District courts, &c.

After some time, the committee rose, and by their chairman reported the bill to the Council with sundry amendments, in which the Council concurred, and

On motion of Mr. Whittlesey,

The bill was re-committed to the judiciary committee.

Bill No. 48, H. R. file, An act for the relief of the poor, was read a second time, and considered in committee of the whole, Mr. Hempstead in the chair.

After some time, the committee rose, and by their chairman reported the bill to the Council without amendment, in which report the Council concurred; whereupon,

Mr. Hempstead moved to amend said bill, by adding thereto an additional section; which was agreed to.

Mr. Clark moved to strike out all after the enacting clause of said bill; which was agreed to, and

On motion of Mr. Hempstead.

The enacting clause of said bill was referred to a select committee, to consist of one member from each election district; which was agreed to; whereupon,

The chair announced Messrs. Hempstead, Clark, Hughes, Inghram, Keith, Parker, and Whittlesey, said committee.

Mr. Inghram, from the committee on schools, to whom was referred bill No. 6, H. R. file, report the same back to the Council without amendment.

On motion of Mr. Inghram,

The Council concurred in the amendment, made by the H. of R.,



to the 15th section of bill No. 6, H. R. file, which 15th section was added by the Council.

Mr. Parker, from the committee on enrolments, reported that the following acts and memorials were presented to the Governor for his signature, on the 14th inst.

An act to authorize Joseph Williams and Charles Alexander Warfield to keep a ferry at Bloomington.

An act to repeal an act of the Assembly of Wisconsin, approved Jan. 19, 1838.

An act to divide the county of Henry and to establish the county of Jefferson.

An act organizing a Board of County Commissioners in each county in this Territory.

An act to make good and valid in law the acts of Robert G. Roberts as justice of the peace.

An act to locate and establish a Territorial road from Keokuck to Iowa city.

A memorial to Congress on the subject of pre-emption to mineral lands.

A memorial to Congress, No. 2, H. R. file.

Bill No. 15, Council file, entitled "A bill prescribing the mode of trying the right of property," was read a third time and passed, and the title agreed to.

Mr. Hempstead, from the judiciary committee, to whom was referred the 60th section of bill No. 4, H. R. file, reported the same back to the Council with an amendment, in which the Council concurred; whereupon the Council resolved itself into committee of the whole, Mr. Whittlesey in the chair, having under consideration said 60th section and amendment.

After some time, the committee rose, and by their chairman reported that the committee of the whole have concurred in the amendment made by the judiciary committee, in which report the Council concurred.

Mr. Hempstead moved to strike out the 48th section of said bill; on which question the yeas and nays being called for, were as follow:

Yeas—Messrs. Clark, Hempstead, Parker, Ralston, and Mr. President—5.

Nays—Messrs. Hepner, Hughes, Inghram, Keith, Payne, and Whittlesey—6.

So the question was determined in the negative.

On motion of Mr. Payne,

The Council adjourned until 2 o'clock, P. M.

2 O'CLOCK, P. M.

Bill No. 4, H. R. file, being under consideration, was re-committed



to the committee of the whole, and made the order of the day for Monday next.

The following message was received from the House of Representatives, by Mr. Fales, their Chief Clerk:

MR. PRESIDENT—

I am directed to present for your signature the following acts, which have been signed by the Speaker of House of Representatives, viz:

An act to authorize J. S. Kirkpatrick to establish and keep a ferry across the Mississippi river at the town of Bellview.

An act to authorize John H. Sullivan and Adrian H. Davenport to establish and keep a ferry across the Mississippi river at the town of Rockingham; and

An act relative to mechanics' liens, and for other purposes."

And then he withdrew.

Bill No. 27, H. R. file, entitled An act concerning divorce, was read a third time and passed.

Bill No. 51, H. R. file, entitled An act concerning debtors and their securities, was read a third time and passed, and the titles of said bills agreed to.

On motion of Mr. Payne.

The Council adjourned until Monday next.

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### Monday Morning, Dec. 17, 1838.

The Council met pursuant to adjournment.

Mr. Ralston offered the following:

Resolved, That the Secretary of the Territory be directed to pay to Messrs. Clarke & McKenny five hundred dollars, to be accounted for in the final settlement of their accounts with the Council for printing.

Mr. Hempstead moved to lay said resolution on the table; which was lost.

Mr. Payne then moved to refer said resolution to the committee on expenditures; which was agreed to.

Mr. Hempstead, from the judiciary committee, to whom was referred a memorial (of the House of Representatives) to the Congress of the United States, on the subject of an appropriation for the improvement of the several streams therein named, reported the same back to the Council with an amendment, in which amendment the Council concurred, and resolved itself into committee of the whole for the consideration of said memorial as amended, Mr. Inghram in the chair.

After some time, the committee rose, and by their chairman, reported the memorial to the House without further amendment.

Which report was concurred in by the Council; and



On motion of Mr. Inghram,

The rule prohibiting the 2d and 3d reading of bills or memorials on the same day, was suspended, and the memorial read a third time and passed.

Mr. Lewis, from the Joint Committee to examine the Miners' Bank of Du Buque, &c., made the following report:

The committee appointed to investigate the affairs and condition of the "Miners' Bank of Du Buque," under a joint resolution of both Houses of the 29th November, 1838, beg leave to report—

That in discharge of their duties, they repaired to Du Buque, and on communicating with the Cashier of that institution on the 6th of December, propounded to him the following interrogatories:—

Interrogatory 1st. What is the amount of deposits on hand?

2d. What is the amount of profits on hand?

3d. What is the amount of bills in circulation?

4th. What is the amount of debts due from the Directors and Stockholders?

5th. What is the amount due from other persons or corporations?

6th. What is the amount of specie in Bank, and actually belonging to the Bank?

7th. What amount of bills of other Banks have you on hand, actually belonging to the Bank?

8th. What is the amount of your deposits in other Banks, if any.—What Banks are they?

9th. What amount of Real Estate is owned by the Bank?

10th. What is the amount of other property?

11th. What is the amount of Capital Stock actually paid in?

12th. What is the character of the issues of the Bank, are they Post Notes, or payable on demand, and what is the amount of each?

14th. Are any other Banks or Corporations indebted to the "Miners' Bank," if any, what, and what amount?

14th. What is the amount of debts that the Miners' Bank owes at this time, whether by bond, bill, note, post note, or other contract?

15th. Has the Miners' Bank ever taken more than seven per cent. upon its loans?

16th. What amount of capital stock was paid in before the Bank commenced its operations?

17th. What is the character of your deposits, are they general or special?

In answer to said interrogatories, the Cashier of said Bank made the following statement:



*Statement of the Funds of the Miners' Bank of Du Buque,  
December 7, 1838.*

## DR.

Capital Stock,	-	-	-	-	-	\$100,000
Profits on hand,	-	-	-	-	-	3,935 61
Circulation,	-	-	-	-	-	10,990
Post Notes,	-	-	-	-	-	5,035
Individual Deposites,	-	-	-	-	-	3,686 39

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\$123,647 00

## CR.

Real Estate,	-	-	-	-	-	\$4,206 11
Stocks,	-	-	-	-	-	1,000
Bills Discounted,	-	-	-	-	-	71,597 72
Contingent Expenses,	-	-	-	-	-	6,244 13
Profit and Loss,	-	-	-	-	-	4,363 98
F. & M. Bank of Michigan,	-	-	-	-	-	762 19
Exchange Account,	-	-	-	-	-	6,344
Territory of Wisconsin,	-	-	-	-	-	5,050
St. Louis Funds,	-	-	-	-	-	1,678
Notes of other Banks,	-	-	-	-	-	18,874
Cash items,	-	-	-	-	-	493 87
Gold and Silver,	-	-	-	-	-	3,033 00

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123,647 00

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MINERS' BANK OF DU BUQUE, }  
December 7, 1838. }

GENTLEMEN—I hand you above a statement of the affairs of this Bank as requested by you in person yesterday. I also annex answers to such of your questions as are not replied to by the statement itself.

I am, very respectfully,

Your obedient servant,

T. O. MARTIN, Cashier.

Warner Lewis and others,  
Committee of Investigation.

For answers to questions No. one, two, and three, see statement.

To No. 4, I answer, fourteen thousand four hundred and fifty-two 76-100 dollars.

From No. 5, to 14, inclusive, see statement.

To No. 15, I answer, the Miners' Bank has never, knowingly, taken more than seven per cent. discount on loans.

To No. 16, Fifty per cent. upon the am't. of the Capital Stock was required to be paid in, before the Bank could legally commence its operations.



To No. 17, Our deposits are generally of a special character, and made to apply on notes not yet due.

T. O. Martin, Esqr., Cashier of the Miners' Bank of Du Buque, being duly sworn by the Chairman of the Committee of Investigation, says that the foregoing answers to the interrogatories propounded, and the expose of the condition of the Bank is true and correct according to the best of his knowledge and belief.

T. O. MARTIN, Cashier.

Subscribed and sworn to before me,

WARNER LEWIS, Ch'n of Com.

Which statement your committee carefully examined and compared with the books and vaults of the institution; and is, in their opinion, a true exposition of the condition of the Bank, from which it appeared that the amount of *cash on hand* nearly doubled the amount of the liabilities of the Bank.

Your Committee would further state, that every facility was afforded them for making the investigation, through the politeness of T. O. Martin, Esq., Cashier.—And upon a full and fair investigation of its liabilities and resources, your committee are constrained to believe that the Miners' Bank of Du Buque, is in a safe and solvent condition.

WARNER LEWIS,  
HARDIN NOWLIN,  
JAMES HALL.

On motion of Mr. Inghram,

Ordered, That the report be laid upon the table, and that 500 copies of the same be printed.

Mr. Whittlesey, from the committee on Internal Improvements, to whom was referred a memorial of the H. of R. to the Congress of the United States on the subject of "An appropriation for the erection of a Penitentiary," &c., reported the same back to the Council with amendments, in which the Council concurred, and thereupon resolved itself into committee of the whole, Mr. Lewis in the chair.

After some time the committee rose, and by their chairman, reported the memorial to the Council without further amendment.

In which report the Council concurred; and,

On motion of Mr. Clark,

The rule prohibiting the 2d and 3d reading of bills or memorials on the same day was suspended, and the memorial read a third time; and

On motion of Mr. Payne, (on leave)

The memorial was amended by adding the following:

"And the Governor be requested to forward a copy of this memorial to the President of the United States, the President of the Senate, the Speaker of the House of Representatives, and our Delegate in Congress."

And the memorial passed.



Mr. Inghram moved that the Council recede from their amendment made to the 6th section of bill No. 6, H. R. file, which was agreed to.

Bill No. 25, Council file, was taken up and read a second time, and considered in committee of the whole, Mr. Clark in the chair.

After some time spent in consideration of said bill, the committee rose, and by their chairman, reported the bill to the House with amendments, in which the Council concurred, and the bill, as amended, was ordered to be engrossed for a third reading.

Bill No. 52, H. R. file, entitled, 'An Act to prevent and punish Gambling,' was read a third time, and passed, and the title agreed to.

On motion of Mr. Hempstead,

The resolution of the House of Representatives, on the subject of an interchange of Statute Laws, &c., was taken up and read—Whereupon,

Mr. Hempstead moved that the Council do not concur in said resolution. Which motion was agreed to.

On motion of Mr. Ralston,

The Council adjourned until 2 o'clock, P. M.

## 2 O'CLOCK, P. M.

Mr. Inghram presented a memorial of Jeremiah Smith, to the Congress of the United States, praying relief, &c., was read; and,

On motion of Mr. Clark,

The rules requiring the printing and three several readings of bills or memorials, was suspended, and the memorial passed.

Bill No. 37, H. R. file, which has been returned from the H. of R. with their non-concurrence in amendment made by the Council to the 6th section of said bill, being under consideration,

On motion of Mr. Hempstead,

The Council receded from said amendment.

Bill No. 7, H. R. file entitled, 'An Act regulating interest,' &c., was read a first and second time, and considered in committee of the whole, Mr. Payne in the chair.

After some time, the committee rose, and by their chairman, reported the bill to the House with amendments, in which the Council concurred, and ordered the bill to a third reading.

Mr. Clark asked and obtained leave to bring in on some future day, a 'Bill to establish the boundary lines of Louisa county, and for other purposes—Whereupon,

The chair announced, Messrs. Clark, Whittlesey, and Parker a committee to prepare and bring in said bill.

Mr. Whittlesey presented two several petitions of citizens of Muscatine county, in relation to ferry privileges at Wyoming in said county. Which petitions were,

On motion of Mr. Clark,

Referred to the standing committee on Incorporations.



Mr. Parker, from the committee on enrolments, reported bill, Council file, No. 17, and a Bill, substitute for No. 12, Council file, as correctly enrolled.

Mr. Parker, from the Joint Committee on Enrolments, reported, that an Act regulating the mode of taking depositions, &c., was correctly enrolled.

Mr. Payne, from the Committee on Engrossments, reported Bill No. 25, Council file, as correctly engrossed.

Bill No. 42, H. R. file, entitled, 'An Act to allow and regulate the action of right,' was read a first and second time.

Bill No. 4, H. R. file, entitled, 'An Act regulating criminal proceedings,' being committed to committee of the whole, and made the order of the day for to-day, being under consideration in committee of the whole, Mr. Inghram in the chair. After some time, the committee rose, and by their Chairman reported progress, and asked leave to sit again, which leave was granted.

On motion of Mr. Clark,

The Council adjourned.

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### Tuesday Morning, Dec. 18, 1838.

The Council met pursuant to adjournment.

Mr. Hughes asked and obtained leave of absence for Mr. Payne.

Mr. Whittlesey, from the committee on enrolments, reported Council file No. 15, as correctly enrolled.

Mr. Whittlesey, from the joint committee on enrolments, reported that they have presented to the Governor for his signature,

An act relative to Mechanics' liens, and for other purposes.

An act to authorize John H. Sullivan and Adrian H. Davenport to establish a ferry; and

An act to authorize J. S. Kirkpatrick to keep a ferry.

All of which were presented to the Governor on the 17th inst. for signature.

Mr. Hempstead, from the judiciary committee, to whom was referred bill No. 10, H. R. file, reported the same back to the Council with amendments, which were concurred in.

Mr. Lewis, from the committee on Territorial Affairs, to whom was referred bill No. 25, H. of R. file, reported the bill back to the Council with amendments, in which the Council concurred.

Bill No. 4, H. R. file, being the unfinished business of yesterday, the consideration of said bill was resumed in committee of the whole, Mr. Inghram in the chair.

After some time, the committee rose and by their chairman report-



ed the bill to the Council with amendments, in which the Council concurred.

Mr. Hempstead moved to strike out the 66th section of said bill; which was not agreed to.

Mr. Lewis moved to re-commit the indictment at the close of the 122nd section of said bill to the judiciary committee; which was not agreed to.

Mr. Hempstead moved to strike out the words "on or about," in form of indictment; which was lost.

Mr. Hempstead then moved to insert the words, "contrary to the peace and dignity of the people of this Territory and of the United States," in the indictment, after the word "produced;" which was agreed to, and the bill ordered to a third reading.

Mr. Clark, on previous notice and leave granted, introduced A bill (No. 26, Council file,) to establish the boundaries of Louisa county, &c.

Mr. Ralston moved to lay the bill on the table; which was lost.

On motion of Mr. Clark,

The rule requiring bills to be printed, was suspended, and the bill read a first and second time and laid upon the table, subject to the order of the Council.

Bill No. 10, H. R. file, entitled An act to authorize Aaron Usher, &c. to keep a ferry, &c. was read as amended by the judiciary committee, and considered in committee of the whole, Mr. Parker in the chair.

After some time, the committee rose, and by their chairman reported the bill to the House without amendment, in which report the Council concurred.

Mr. Whittlesey moved to strike out the word "ten," in the first section of said bill, and insert "twenty;" which was agreed to, and the bill, as amended, ordered to a third reading.

The following message was received from the House of Representatives by Mr. Fales their Chief Clerk:

"MR. PRESIDENT—

The House of Representatives have passed bills of the following titles, to wit:

An act to prohibit the wearing of concealed weapons.

An act for the relief of securities of persons charged with criminal offences.

An act to authorize clerks of the district courts and boards of county commissioners to appoint deputies in certain cases.

An act to prevent disasters on steam boats navigating the waters within the jurisdiction of this Territory; also,

A memorial to the Congress of the United States, for an additional appropriation to defray the expenses of the Legislative Assembly.

In all of which the concurrence of Council is requested.

I have also been directed to inform the Council that the House have



agreed to the 1st and 2nd amendments, made by Council to bill No. 5, H. R. file, entitled An act to provide for the safe keeping and management of the Territorial Library; and have disagreed to all the other amendments to said bill.

The House have also concurred in amendments, made by Council, to the 1st, 2nd and 6th sections of bill No. 27, H. R. file, entitled An act concerning divorce," and have disagreed to the amendments in the 9th section; and have concurred in amendments by Council to bill No. 51, H. R. file.

The House have also passed bill No. 23, Council file, without amendment.

On motion of Mr. Clark,

The Council adjourned until 2 o'clock, P. M.

### 2 O'CLOCK, P. M.

Bill No. 42, H. R. file, entitled An act to regulate the action of right, was read a second time, and considered in committee of the whole, Mr. Clark in the chair.

After some time spent therein, the committee rose, and by their chairman reported the bill to the Council without amendment, in which the Council concurred, and ordered the bill to a third reading.

On motion of Mr. Whittlesey,

Resolved, That the President of the Council be requested to assign the following officers of this House, severally, their respective duties, viz: The Sergeant-at-Arms, Doorkeeper and Assistant Doorkeeper, Messengers, and Fireman.

On motion of Mr. Lewis,

Resolved, That a standing committee on Township and County lines, be appointed, to consist of one member from each election district; whereupon,

The chair announced Messrs. Lewis, Clark, Hepner, Hughes, Keith, Parker, and Whittlesey, said committee.

Bill No. 7, H. R. file, entitled An act regulating interest on money in the Territory of Iowa, was read a third time and passed, and

On motion of Mr. Parker,

The title of said bill was amended as follows: "An act to regulate interest on money and to prevent usury."

Bill No. 10, H. R. file, entitled "An act to authorize Aaron Usher, &c. to keep a ferry, &c. was taken up.

On motion of Mr. Inghram,

The rule prohibiting the 2nd and 3rd reading of a bill on the same day, was suspended, and the bill read a third time, and passed, and the title agreed to.

Bill No. 25, Council file, entitled An act to provide a standard of weight for grain, salt and provisions, was read a third time, and passed, and the title agreed to.



Bill No. 49, H. R. file, entitled An act to prevent the selling of spirituous liquors to Indians, was read a first and second time, and considered in committee of the whole, Mr. Hempstead in the chair.

After some time, the committee rose, and by their chairman reported the bill to the House with an amendment, in which the Council concurred, and ordered the bill to a third reading.

Bill No. 50, H. R. file, entitled An act to punish the venders of unwholesome liquors and provisions, was read a first and second time, and considered in committee of the whole, Mr. Whittlesey in the chair.

After some time, the committee rose, and by their chairman reported the bill to the Council without amendment, in which report the Council concurred, and ordered the bill to a third reading.

The following message was received from the House of Representatives, by their chief clerk:

“MR. PRESIDENT—

The House of Representatives have passed bills of the following titles, to wit:

An act subjecting real and personal estate to execution.

An act regulating weights and measures.

An act to restrain unincorporated banking institutions.

An act to authorize Wm. Meek & Sons to erect a dam across the Des Moines river; also,

A memorial to Congress on the subject of a rail road.

In all of which the concurrence of the Council is requested.

The House of Representatives have adhered to their original vote on bill No. 16, H. R. file, as amended by Council; and have concurred in the amendments made by Council to bill No. 52, H. R. file, and have disagreed to the two first amendments, made by Council, in the memorial to Congress for an appropriation of land for a Penitentiary, and have concurred in the last amendment.

The House have passed bill No. 6, of Council, entitled A bill to organize, discipline, and govern the militia, with amendments, in which the concurrence of the Council is requested.

I am also directed to present to you for your signature the following entitled acts, the same having been signed by the Speaker of House of Representatives, viz:

An act relating to informations in the nature of Quo Warranto.

An act to regulate ferries; also,

A memorial to the Post Master General of the United States.

The House have also concurred in a memorial of Council for the benefit of J. Smith, jr.

Which were severally signed by the President of the Council.

On motion of Mr. Lewis,

The Council adjourned.



## Wednesday Morning, Dec. 19, 1838.

The Council met pursuant to adjournment.

On motion of Mr. Keith,

Resolved, That the Council adjourn from Friday next, at 12 o'clock, until Thursday the 27th inst. at 10 o'clock, A. M.

Bill No. 24, Council file, entitled, 'A Bill for the prevention of frauds,' was read a second time, and considered in committee of the whole, Mr. Lewis in the chair. After some time spent therein, the committee rose, and by their chairman, reported the bill to the House with an amendment, in which the Council concurred, and ordered the bill to be engrossed for a third reading.

Mr. Whittlesey, from the Joint Committee on Enrolments, reported that that committee had presented to the Governor for his approval and signature, the following acts, viz:

Council file No. 2, An Act regulating the mode of taking depositions and providing for the perpetuation of testimony.

Council file, No. 10, An Act to provide for the incorporation of Agricultural Societies.

Council file, No. 12, An Act to locate a road from Fort Madison, in Lee county, to Mount Pleasant, in Henry county, and to the county seat of Slaughter county.

Council file, No. 17, An Act regulating the intercourse between the Legislative and Executive departments of the Territory of Iowa. Presented on the 18th instant.

Bill No. 42, H. R. file, entitled 'An Act to allow and regulate the action of right,' was read a third time, and passed.

Bill No. 49, H. R. file, entitled, 'An Act to prevent the selling of spirituous liquors to Indians,' was read a third time, and passed.

Bill No. 50, H. R. file, entitled, 'An Act to punish the venders of unwholesome liquors and provisions,' was read a third time, and passed.

Bill No. 4, H. R. file, entitled, 'An Act regulating criminal proceedings,' was read a third time, and passed, and the titles of said bills agreed to.

Mr. Whittlesey, on previous notice and leave, introduced Bill No. 27, Council file, entitled, 'A Bill concerning Apprentices and Servants,' which was read and ordered to be printed.

Mr. Hughes presented the Petition of Andrew Kennedy, on the subject of pay for setting up election notices as Sheriff of Henry county, which was,

On motion of Mr. Clark,

Referred to the committee on Expenditures.



On motion of Mr. Clark,  
The Council adjourned until 2 o'clock, P. M.

2 O'CLOCK, P. M.

Bill No. 5, H. R. file, 'An Act to provide for the safe keeping and management of the Territorial Library,' (being returned from the H. of R. with their disagreement to amendments made by Council) being under consideration, was,

On motion of Mr. Hempstead,  
Referred to the committee on the Territorial Library.

Bill No. 27, H. R. file, 'An Act concerning divorce,' (being returned from the H. of R. with their disagreement to amendment made by Council to 9th section of said bill,) being under consideration,

On motion of Mr. Clark,

The Council receded from their amendment to said 9th section.

Bill No. 53, H. R. file, entitled, "An Act to authorize Ralph Letton to establish and keep a Ferry," &c., was read a first and second time, and considered in committee of the whole, Mr. Inghram in the chair.

After some time, the committee rose, and by their chairman, reported the bill to the House without amendment, in which the Council concurred, and ordered the bill to a third reading.

Bill No. 55, H. R. file, entitled, 'An Act to prohibit the wearing of concealed weapons,' was read a first and second time, and considered in committee of the whole, Mr. Clark in the chair.

After some time, the committee rose, and by their chairman, reported the bill to the House with sundry amendments.

The question on concurring in the amendments made by the committee, were taken separately; the first amendment was concurred in.

Mr. Inghram then moved that the Council do not concur in the second amendment, on which question the yeas and nays being called for, are as follow:

Yeas—Messrs. Clark, Hepner, Inghram, Keith, Swazy, and Mr. President—6.

Nays—Messrs. Hempstead, Hughes, Lewis, Parker, Ralston, and Whittlesey—6.

So the question was determined in the negative. And,

On the question "Will the Council concur in the third amendment?" the yeas and nays being called for, were as follow:

Yeas—Messrs. Hempstead, Hughes, Parker, Ralston, and Whittlesey—5.

Nays—Messrs. Clark, Hepner, Inghram, Keith, Lewis, Swazy, and Mr. President—7.

So the amendment was not concurred in. And,

On the question, "Will the Council concur in the fourth amendment?" the yeas and nays being required, were as follow:



Yeas—Messrs. Hempstead, Hughes, Lewis, Parker, Ralston, and Whittlesey—6.

Nays—Messrs. Clark, Hepner, Inghram, Keith, Swazy, and Mr. President—6.

So the amendment was not concurred in.

Mr. Hempstead then moved to strike out all after the enacting clause of said bill, on which question the yeas and nays being required, were as follow:

Yeas—Messrs. Hempstead, Hughes, Lewis, Parker, Ralston, Whittlesey, and Mr. President—7.

Nays—Messrs. Clark, Hepner, Inghram, Keith, and Swazy—5.

So the question was determined in the affirmative.

Mr. Clark then moved to refer the enacting clause of said bill to a select committee, which was not agreed to.

Mr. Parker then moved to lay the enacting clause of said bill on the table, which was agreed to:

The Chief Clerk of the H. of R. being introduced, delivered the following message:

MR. PRESIDENT—

The House of Representatives have passed Bill No. 22, Council file, entitled,

An Act to locate a Territorial Road from Black Hawk to the southern boundary of Van Buren county; and have rejected Bill No. 25, entitled,

An Act to provide a standard of weight for grain, salt, and provisions.

The House have passed bills of the following titles, to wit:

An Act concerning Grand and Petit jurors.

An Act for the punishment of the crime of bribery, in which the concurrence of the Council is requested.

The House have concurred in the amendments made by the Council to Bills No. 7, and 10, H. R. file.

And then he withdrew.

Bill No. 56, H. of R. file, entitled, 'An Act for the relief of securities of persons charged with criminal offences,' was read a first and second time, and considered in committee of the whole, Mr. Parker in the chair.

After some time, the committee rose, and by their chairman, reported the bill to the Council with an amendment, in which the Council concurred, and ordered the bill to a third reading.

A Memorial (of the H. of R.) to the Congress of the U. S. on the subject of an additional appropriation, to defray the expenses of this Legislative Assembly, was read a first and second time, and considered in committee of the whole, Mr. Hepner in the chair.

After some time, the committee rose, and by their chairman, reported the memorial to the Council without amendment, in which the Council concurred; and



On motion of Mr. Inghram,

The rule prohibiting the second and third reading of a bill or memorial on the same day, was suspended, and the memorial read a third time, and passed.

Bill No. 62, H. R. file, entitled, 'An Act to authorize Clerks of the district courts, &c., to appoint deputies, &c., was read a first and second time, and considered in committee of the whole, Mr. Whittlesey in the chair.

After some time, the committee rose and by their chairman. reported the bill to the Council without amendment, in which the Council concurred, and ordered the bill to a third reading.

Bill No. 65, H. R. file, entitled, 'An Act to prevent disasters on steam boats navigating the waters within the jurisdiction of this Territory,' was read, and,

On motion of Mr. Lewis,

The further consideration of said bill was postponed until to-morrow.

Bill No. 6, Council file, entitled, 'A Bill to organize, discipline, and govern the Militia of this Territory,' which has been returned from the H. of R. with sundry amendments. Which amendments being under consideration,

On motion of Mr. Clark,

The first amendment was concurred in.

On motion of Mr. Lewis,

The second amendment was concurred in.

Mr. Clark moved to concur in the third amendment, which was agreed to.

Mr. Lewis moved to concur in the fourth amendment, which was agreed to.

Mr. Hepner moved to concur in the 5th and last amendment to said bill, which was agreed to.

Bill No. 16, H. R. file, entitled, 'An Act to provide for the election of County Treasurers, and to define their duties,' which has been returned from the House of Representatives, with their adherence to their disagreement to the amendments made by the Council to said Bill, which amendments were read and under consideration; and

On motion of Mr. Hempstead,

The Council adhered to their amendments to said bill.

A Memorial (of the House) to the Congress of the U. S. on the subject of a rail road, was read; and,

On motion of Mr. Hughes,

The Memorial was laid on the table until the 8th day of January next.

Memorial (of House) to the Congress of the U. S. on the subject of a Penitentiary, &c., being returned from the H. of R. with their non-concurrence in amendments made by the Council to said memorial; the same being under consideration,



Mr. Clark moved that the Council insist upon their first amendment to said memorial, which was agreed to.

On motion of Mr. Clark, the Council receded from their second amendment to said memorial.

Mr. Clark then moved that a committee of conference be appointed on the part of the Council in relation to the disagreeing vote of the two Houses, upon the first amendment to said memorial—Whereupon,

The Chair announced Messrs. Clark, Whittlesey, and Lewis, said committee.

On motion of Mr. Hughes,  
The Council adjourned.

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### Thursday Morning, Dec. 20, 1838.

The Council met pursuant to adjournment.

On motion of Mr. Inghram,

Resolved, That the committee on the judiciary, be instructed to inquire into the expediency of amending the law now in force in this Territory, organizing a board of county commissioners, and that they report by bill or otherwise.

Mr. Hempstead, from the committee on the judiciary, to whom was referred bill No. 33, H. R. file, reported the bill back to the Council with sundry amendments, in which the Council concurred; the bill and amendments were then considered in committee of the whole, Mr. Ralston in the chair.

After some time, the committee rose, and by their chairman reported the bill to the Council with sundry amendments, which were concurred in by the Council.

Mr. Swazy then moved that the words "or coroner," be stricken out, and the words "or constable," be inserted in form of writ and summons, which was not agreed to; the bill, as amended, was then ordered to a third reading.

Mr. Hempstead, from the committee on the Territorial Library, to whom was referred bill No. 5, H. R. file, An act to provide for the safe keeping and management of the Territorial Library, which was returned from the H. of R. with their disagreement to amendments made by Council to said bill, reported the same back to the Council without amendment, in report the Council concurred.

Mr. Hepner, from the committee on engrossments, reported bill No. 24, Council file, correctly engrossed.

Mr. Parker, from the joint committee on enrolments, reported the following acts to be correctly enrolled:

No. 51, H. R. file, An act concerning debtors and their securities.



No. 6, H. R. file, An act providing for the establishment of common schools.

No. 52, H. R. file, An act to prevent and punish gambling.

No. 37, H. R. file, An act defining the duties of county surveyors.

On motion of Mr. Hempstead,

The vote upon the adoption of the memorial (of H. of R.) to the Congress of the U. S. on the subject of an appropriation to defray the expenses of this Legislative Assembly, was re-considered, and the memorial again under consideration, and

On motion of Mr. Hempstead,

Said memorial was rejected.

Bill No. 26, Council file, An act to establish the boundaries of Louisa county, &c. was taken up and considered in committee of the whole, Mr. Keith in the chair.

After some time, the committee rose, and by their chairman reported the bill to the Council without amendment; whereupon,

Mr. Hepner presented the remonstrance of sundry citizens of Des Moines county, against being attached to Louisa county; and thereupon moved that the bill and remonstrance be referred to the committee on Townships and County lines; on which question the yeas and nays being called for, were as follow:

Yeas—Messrs. Hepner, Inghram, Lewis, and Ralston—4.

Nays—Messrs. Clark, Hempstead, Hughes, Keith, Parker, Swazy, and Mr. President—7.

So the question was determined in the negative.

Mr. Inghram then moved to amend said bill as follows: strike out the words "at a point on the Mississippi river, between sections 18 and 19, in Townships 72 and 73 north," and insert, "at a point on the Mississippi river dividing Townships 72 and 73;" and on the question, the yeas and nays being called for, were as follow:

Yeas—Messrs. Hepner, Inghram, and Ralston—3.

Nays—Messrs. Clark, Hempstead, Hughes, Keith, Lewis, Parker, Swazy, and Mr. President—8.

So the amendment was not agreed to.

Mr. Hepner then moved to lay the bill on the table, and that it be made the order of the day for Friday the 28th inst.; on which question the yeas and nays being required, were as follow:

Yeas—Messrs. Hepner, Inghram, and Ralston—3.

Nays—Messrs. Clark, Hempstead, Hughes, Keith, Lewis, Parker, Swazy, and Mr. President—8.

So the question was determined in the negative.

The question being then put, "will the Council concur in the report of the committee," which was agreed to, and the bill was read a third time and passed, and the title agreed to.

The following message from His Excellency Governor Lucas, was received by his Private Secretary, Mr. Parvin:



EXECUTIVE DEPARTMENT, IOWA TER. }  
December 19, 1838. }

*To the Council of the Legislative Assembly:*

GENTLEMEN—I have examined with attention the act entitled “An act regulating the intercourse between the Legislative and Executive Departments of the Territory of Iowa,” and regret that I am compelled to withhold from it my assent in its present form.

The constitutions of many of the States prescribes the manner in which bills shall be presented to the Executive, and points out the time and manner of their return to the Legislature if objected to by the Executive. The Organic Law of Iowa Territory, is entirely silent on this subject, but declares, that the Governor “shall approve all laws passed by the Legislative Assembly before they shall take effect,” leaving the whole subject entirely to the discretion of the Executive.

Believing that a law regulating the intercourse between the Legislative and Executive branches of Government, that would not interfere with the prerogative of either, would be of mutual advantage as a rule of action to both. With this view I conferred with the committee appointed by the Council for the purpose, and consented to the details of a bill that was reported to the Council by that committee. In comparing the bill submitted for my consideration, with the one originally reported by the committee, I find that the section that was inserted with a view to keep up a mutual conference, and to open the way to a mutual reconciliation of conflicting views, has been stricken from the bill; also the time within which the Executive was required to return an act, etc. with his objections, to the Legislative Assembly, has been altered from ten to five days; *with these alterations I can never concur*, but am still willing to yield my assent to the bill if passed as originally reported by the committee. Until this is done I must use my own discretion, under the Organic Law, *and for your information will state the course I intend to pursue.*

All bills, resolutions, or memorials, submitted to me, will be carefully examined, and if approved, will be signed and deposited in the office of the Secretary of the Territory. If special objections are found, but not sufficient to induce me to withhold my assent from the bill, resolution, or memorial, a special note of explanation will be endorsed with my approval.

Bills, resolutions, or memorials, that may be considered entirely objectionable, or of doubtful policy, will be *retained under advisement* or returned to the Legislative Assembly, with my objections, at such time, and in such way and manner as I may, for the time being, deem to be most advisable.

With the foregoing observations I herewith return the bill to the Council without my assent thereto.

Very respectfully,

Your obt. servant,

ROBERT LUCAS.



On motion of Mr. Ralston,  
Said communication was laid upon the table, and

On motion of Mr. Hempstead,  
Ordered, That 300 copies of said communication be printed.

On motion of Mr. Keith,  
The Council adjourned until 2 o'clock, P. M.

### 2 O'CLOCK, P. M.

Bill of H. of R. No. 5, being returned from H. of R. with their non-concurrence in amendments made by the Council to said bill, being under consideration,

Mr. Hempstead moved that the Council insist upon their amendments to said bill, which was agreed to.

Mr. Hempstead then moved that a committee of conference be appointed in relation thereto—Whereupon,

The Chair announced Messrs. Hempstead, Parker, and Inghram said committee.

Bill No. 65 H. R. file, 'An Act to prevent disasters on steam boats, navigating, &c., was read a first and second time, and considered in committee of the whole, Mr. Swazy in the chair.

After some time, the committee rose, and by their chairman reported the bill to the Council without amendment, in which the Council concurred, and ordered the bill to a third reading.

Bill No. 24, Council file, 'A Bill for the prevention of frauds,' was read a third time, and passed, and the title agreed to.

Message from the House of Representatives, by their Chief Clerk.

MR. PRESIDENT—

The House of Representatives have passed the following resolution:

Resolved, by the Council and House of Representatives of the Territory of Iowa, That the Judges of the Supreme Court of this Territory shall each be allowed the sum of three dollars per diem, during the time they may be employed by the Legislature for their services in drafting bills and presenting them to the Legislature for enactment.

I am also directed to present to you for your signature, the following entitled acts, the same having been signed by the Speaker of the House of Representatives, viz:

An Act providing for the establishment of Common Schools.

An Act defining the duties of County Surveyors.

An Act concerning debtors and their securities, and

An Act to prevent and punish gambling.

The House have also concurred in all the amendments made by the Council to Bill No. 4, H. R. file, except that of the 122d section, to which they have disagreed.

The House have also disagreed to the amendment made by the Council to Bill No. 49, H. R. file.



The above bills, presented for signature, were severally signed by the President of the Council.

Bill No. 53, H. R., 'An Act to authorize Ralph Letton to keep a ferry,' &c. was read a third time, and passed, and the title of said bill agreed to.

Bill No. 62, H. R. file, 'An Act to authorize clerks of the district courts, &c., to appoint deputies,' &c., was read, and

On motion of Mr. Lewis,

Said bill was stricken out from the enacting clause.

Bill No. 56, H. R. file, 'An Act for the relief of securities of persons charged with criminal offences,' was read a third time, and passed, and the title of said bill agreed to.

Bill No. 72, H. R. file, 'An Act concerning Grand and Petit Jurors,' was read a first and second time, and,

On motion of Mr. Hempstead,

Was referred to the Judiciary committee.

Mr. Whittlesey, from the Joint Committee on Enrolments, reported the following, presented to the Governor for his approbation and signature, on the 19th inst.

An Act relating to informations in the nature of Quo Warranto, and regulating the mode of proceedings therein. H. R. file.

Memorial to the Post-Master General. H. R. file.

An Act to regulate ferries. H. R. file.

An Act to provide for the collection of demands against boats and vessels. H. R. file.

Bill No. 73, H. R. file, 'An Act for the punishment of the crime of Bribery,' was read a first and second time; and,

On motion of Mr. Hempstead,

Said bill was referred to the committee on the Judiciary.

Mr. Parker asked and obtained leave to bring in, on some future day,

A Bill concerning the size of counties, and to provide a way in which county lines may be altered.—Whereupon,

The chair announced Messrs. Parker, Inghram, and Clark, a committee to prepare and bring in said bill.

On motion of Mr. Hughes,

The Council adjourned.



## Friday Morning, Dec. 21, 1838.

The Council met pursuant to adjournment.

Mr. Hempstead offered the following:

Resolved, That the Standing Committee on Territorial affairs be instructed to inquire into the expediency of memorializing Congress to amend the Organic Law so as to permit the people of this Territory to elect their Governor and Secretary, who shall be commissioned by the President of the United States, and to report by memorial or resolution.

On motion of Mr. Lewis,

The resolution reported to the Council from the H. of R. on the subject of paying supreme judges, was taken up and read.

On motion of Mr. Inghram,

The resolution was amended by striking out the words "may have," and insert "have been," and adopted as amended.

Bill No. 33, H. R. file, An Act allowing and regulating writs of attachment, was read a third time, and passed, and title agreed to.

Message from the House of Representatives.

MR. PRESIDENT—

The House of Representatives have adopted the following resolution, in which the concurrence of the Council is requested:

Resolved, by the Council and House of Representatives of the Territory of Iowa, That Wm. B. Conway, Esq., be, and he is hereby appointed Fiscal Agent of the Legislative Assembly, during its present session, and that all advances of money made by him shall be refunded to him out of such money as shall hereafter be appropriated by Congress.

On motion of Mr. Hepner,

Resolved, That the Committee on Territorial affairs be instructed to enquire into the expediency of memorializing Congress on the subject of granting to the citizens of this Territory, the liberty of electing their sheriffs, justices of the peace, and all military officers, except those of the staff.

On motion of Mr. Parker,

The Council adjourned.



## Thursday Morning, Dec. 27, 1838.

The Council met pursuant to adjournment.

Mr. Hempstead presented the petition of Harriet Holmes, praying to be divorced from her husband David Holmes, which was referred to the committee on the Judiciary.

Mr. Lewis presented the petition of sundry citizens of Du Buque county, relative to the county lines of said county. Said petition was,

On motion of Mr. Lewis,

Referred to the committee on Townships and County lines.

Mr. Parker, from the Joint Committee on Enrolments, reported, 'An Act to authorize the Legislative Assembly to punish for contempt,' &c., correctly enrolled.

Mr. Parker, from the committee on Enrolments, reported

'An Act to establish a Seminary of Learning at Wapello, in Louisa county,' correctly enrolled.

Mr. Parker, from the joint committee on Enrolments, reported that the following acts were handed to the Governor for his signature on the 25th instant:

An Act to prevent and punish gambling.

An Act to provide for the establishment of Common Schools.

An Act defining the duties of County Surveyors.

Bill No. 27, Council file, 'A Bill concerning apprentices and servants,' was read a second time, and considered in committee of the whole, Mr. Clark in the chair. The chairman reported the bill to the Council with amendments, in which the Council concurred.

Mr. Clark then moved to amend said bill in the first line of the 4th section by striking out the word "three," and insert the word "two," and the bill, as amended, was ordered to be engrossed for a third reading.

The following message from the H. of R. by Mr. Fales, their Chief Clerk:

MR. PRESIDENT—

I am directed to present to you for your signature, the following entitled acts, the same having been signed by the Speaker of the House of Representatives, viz:

An Act to authorize Aaron Usher and Thomas M. Groom to keep a ferry.

An Act to punish the venders of unwholesome liquors and provisions.

An Act concerning Divorce.

An Act to regulate interest on money, and to prevent usury.

The House of Representatives have passed No. 86, entitled 'An



Act fixing the time for the annual meeting of the Legislative Assembly. Also,

A Memorial to the Congress of the United States for the improvement of the Iowa and Cedar rivers.

In which the concurrence of the Council is requested.

Bill No. 41, H. R. file, was taken up and read a first and second time, and ordered to be laid on the table.

Bill No. 54, H. R. file, 'An Act regulating weights and measures,' was read a first and second time, and considered in committee of the whole, Mr. Lewis in the chair.

After some time, the committee rose, and reported the bill with sundry amendments, in which the Council concurred, and ordered the bill, as amended, to a third reading.

Bill No. 61, H. R. file, 'An Act to restrain unincorporated Banking associations,' was read a first and second time, and considered in committee of the whole, Mr. Hempstead in the chair. The committee rose, and by their chairman, reported the bill to the House without amendment, in which report the Council concurred; and,

On motion of Mr. Parker,

Said bill was referred to the Judiciary committee.

Bill No. 63, H. R. file, 'An Act to authorize William Meek and Sons, to erect a dam across the Des Moines river,' was read a first and second time, and,

On motion of Mr. Payne,

Said bill was made the order of the day for Saturday next.

Mr. Clark asked and obtained leave to bring in, on some future day,

A Bill to establish the boundaries of Slaughter county, and for other purposes—Whereupon,

The Chair appointed Messrs. Clark, Ralston, and Lewis, a committee to prepare and bring in said bill.

Mr. Parker asked and obtained leave, to bring in on to-morrow,

A Bill to regulate the mode of petitioning the Legislature in certain cases; and

The Chair announced Messrs. Parker, Payne, and Hughes, a committee to prepare and bring in said bill.

Bill No. 4, H. R. file, 'An Act regulating criminal proceedings,' being reported back from the H. of R. with their disagreement to amendment made by Council to 122d section of said bill, being under consideration,

On motion of Mr. Hempstead,

The Council receded from their amendment to 122d section of said bill.

Bill No. 49, H. R. file, 'An Act to prevent the selling of spirituous liquors to Indians,' returned from the H. of R. with their non-concurrence in amendment made by Council to said bill, being under consideration,



On motion of Mr. Hempstead,

The Council insist upon their amendment to said bill.

Bill No. 86, H. R. file, 'An Act fixing the time for the annual meeting of the Legislative Assembly, was read a first and second time, and ordered to be laid on the table.

Memorial (of the H. of R.) to the Congress of the U. S. for an appropriation for the improvement of the Iowa and Cedar rivers, was read and under consideration; and,

On motion of Mr. Payne,

Said memorial was laid on the table.

On motion of Mr. Lewis,

The Council adjourned until 2 o'clock, P. M.

### 2 O'CLOCK, P. M.

On motion of Mr. Lewis,

The resolution of the House, appointing a fiscal Agent, was read, and concurred in.

Mr. Ralston, from the Committee on Expenditures, to whom was referred the resolution in favor of Messrs. Clark and McKenny, offer the following report:

The Committee are fully satisfied that the amount called for in the resolution does not exceed the amount due them from the Legislature for printing. They are therefore of opinion that Messrs. Clark & McKenny are entitled to receive the sum of five hundred dollars in part pay for their services.

The following message from the H. of R. by Mr. Fales, their Chief Clerk:

MR. PRESIDENT—

The House of Representatives have disagreed to the amendment made by the Council to the resolution of the House for the payment of the Judges of the Supreme Court.

Mr. Lewis then moved that the Council recede from their amendment to said resolution, on which question the yeas and nays being called for, are as follow:

Yeas—Messrs. Lewis, Parker, and Mr. President—3.

Nays—Messrs. Clark, Hempstead, Hughes, Inghram, Payne, and Ralston—6.

Mr. Hempstead then moved that the Council insist upon their said amendment. On which question the yeas and nays being required, were as follow:

Yeas—Messrs. Clark, Hempstead, Hughes, Inghram, Payne, Ralston, and Mr. President—7.

Nays—Messrs. Lewis and Parker.—2.

So the question was determined in the affirmative.

Mr. Hempstead then moved, that a committee of conference be appointed in relation thereto; and,



The Chair announced Messrs. Hempstead, Clark, and Inghram said committee.

The President submitted the following communication, from the Secretary of the Territory:

SECRETARY'S OFFICE,  
Territory of Iowa, Dec. 27, 1838. }

*To the Honorable, the Legislative Council:*

GENTLEMEN:—In compliance with the friendly suggestion of His Honor, Judge Wilson, who kindly consents to be the bearer of this note, I hereby inform the Honorable Council, that I am willing to withdraw my communication to that body, of the 24th of last November, provided the report of the Committee on Expenditures, together with the subsequent proceedings of the Council, in reference to said communication, be consequently withdrawn, which, as I have been informally advised, the Council are disposed to do; and if so, I am prepared to renew my relations with the Council, official and personal, as they existed prior to the 24th of last November.

If, however, there be any misapprehension as regards the disposition of the Council towards the Secretary of the Territory, this note will be immediately returned to me, by the honorable gentleman to whom it has been entrusted.

Very respectfully,

Your obedient servant,

WM. B. CONWAY.

*Secretary of the Territory.*

Whereupon,

Mr. Payne offered the following:

Resolved, That the Secretary of the Territory be allowed to withdraw his communication of the 24th Nov., and that the proceedings of the Council in relation thereto, be also withdrawn. ~~And~~

On the adoption of the resolution the yeas and nays being called for, are as follow:

Yeas—Messrs. Clark, Hempstead, Hughes, Inghram, Keith, Lewis, Parker, Payne, Ralston, and Mr. President—10.

Nays———. So the resolution was adopted.

Mr. Inghram then moved, that Wm. B. Conway be now allowed to withdraw his communication of the 24th November last, which was agreed to, and the communication accordingly delivered to the Hon. Judge Wilson.

Mr. Parker, on previous leave, introduced 'A Bill (No. 28, Council file) concerning the size of counties, and providing a way in which county lines may be altered,' which was read and ordered to be printed.

On motion of Mr. Parker,

The Council adjourned.



### Friday Morning, Dec. 28, 1838.

The Council met pursuant to adjournment.

Mr. Payne, from the committee on engrossments, reported bill No. 27, Council file, An act concerning apprentices and servants, correctly engrossed.

Mr. Lewis, from the committee on enrolments, reported bill No. 22, Council file, An act to locate and establish a Territorial road, from Black Hawk, in Louisa county, via Mount Pleasant, to the southern boundary of Van Buren county, &c. and

A memorial to the Congress of the U. S. for the relief of J. Smith, jr., correctly enrolled.

Mr. Hempstead, from the committee of conference, in relation to the disagreeing vote of the two Houses, on the resolution allowing pay to the Judges, &c. reported, that they have agreed to adhere to the amendments made by Council to said resolution; which report was concurred in by the Council.

Bill No. 27, Council file, An act concerning apprentices and servants, was read a third time and passed, and the title agreed to.

Mr. Hempstead, from the judiciary committee, introduced bill No. 29, Council file, A bill defining crimes and punishments, which was read by its title and ordered to be printed.

Mr. Parker, on previous leave, introduced bill No. 30, Council file, A bill to regulate the mode of petitioning the Legislature in certain cases, which was read and ordered to be printed.

Bill No. 54, H. R. file, An act regulating weights and measures, was read a third time and passed and title agreed to.

Bill No. 65, H. R. file, An act to prevent disasters on steam boats navigating the waters within the jurisdiction of this Territory, was read a third time and passed, and the title agreed to.

Mr. Lewis asked and obtained leave to bring in, on some future day, A bill concerning judgments and executions.

The chair announced Messrs. Lewis, Hughes, and Keith, a committee to prepare said bill.

Mr. Hempstead asked and obtained leave to bring in, on some future day, A bill regulating the practice in the district courts of the Territory of Iowa.

The chair announced Messrs. Hempstead, Clark, and Parker, a committee to prepare said bill.

Mr. Parker obtained leave to bring in, on to-morrow, A bill to provide for changing the venue in civil and criminal cases.



The chair announced Messrs. Parker, Inghram, and Payne, a committee to prepare the same.

Mr. Payne obtained leave to bring in, on some future day, A bill to authorize the appointment of a public administrator in the several counties of this Territory, and to prescribe their duties.

The chair announced Messrs. Payne, Hepner, and Hughes, a committee to prepare said bill.

Bill No. 25, H. R. file, An act to provide for the incorporation of Townships, being the special order of the day, and under consideration,

Mr. Hempstead moved to postpone said bill indefinitely; on which question the yeas and nays being called for, were as follow:

Yeas—Messrs. Hempstead, Hughes, Keith, Lewis, Parker, Payne, Ralston, and Mr. President—8.

Nays—Messrs. Clark, Hepner, and Inghram—3.

So the bill was indefinitely postponed.

Mr. Hempstead, from the judiciary committee, to whom was referred the petition of Harriet Holmes; praying to be divorced from her husband Daniel Holmes, reported a bill, No. 31, Council file, in accordance with the petition, which was read.

Mr. Clark moved to reject the bill; on which question the yeas and nays being required, are as follow:

Yeas—Messrs. Clark, Hughes, Inghram, Keith, Payne, and Mr. President—6.

Nays—Messrs. Hempstead, Hepner, Lewis, Parker, and Ralston—5.

So the bill was rejected.

On motion of Mr. Hempstead,

The communication of His Excellency Governor Lucas, of the 19th inst., and printed by order of the Council, was referred to the committee on Territorial affairs.

On motion of Mr. Inghram,

The Council adjourned until 2 o'clock, P. M.

## 2 O'CLOCK, P. M.

On motion of Mr. Inghram,

The report of the committee on expenditures, of the 27th inst., in relation to an appropriation of five hundred dollars to Messrs. Clarke & McKenny for printing done for the Legislative Assembly, was read concurred in.

The following entitled acts were severally signed by the President of the Council this day:

An act concerning divorce.

An act to punish the venders of unwholesome liquors and provisions.



An act to authorize Aaron Usher and Thomas M. Groom to establish a ferry across the Mississippi river.

An act to regulate interest on money and to prevent usury.

An act to allow and regulate the action of right.

An act to establish a Seminary of Learning at Wapello, in Louisa county.

An act to provide for laying out and opening Territorial roads.

An act to authorize the Legislative Assembly to punish for contempt and to privilege the members from arrest.

The following message from the House of Representatives, by Mr. Fales their Chief Clerk:

“MR. PRESIDENT—

The House of Representatives have concurred with amendments made by Council to sections 4, 10, 12, 24, 25, 26, 27, 30, 31, and 37, and the first amendment made to the form of the writ, and that made to the form of the summons, of bill No. 33, H. R. file; and have disagreed to amendments made to sections 1, 16, and 17, and the second amendment to the form of the writ.

The House have concurred in the amendments made by Council to bills No. 49 and 56, H. R. file, and the memorial on the subject of a Penitentiary, and have disagreed to the report of the committee of conference on the resolution for the payment of the Judges of the Supreme Court for certain services.

I am also directed to present for your signature, the following entitled acts, the same having been signed by the Speaker of the House of Representatives, viz:

An act to allow and regulate the action of right.

An act to provide for laying out and opening Territorial roads.

An act to authorize the Legislative Assembly to punish for contempt and to privilege its members from arrest.

An act to establish a Seminary of Learning at Wapello, in Louisa county.”

Bill No. 33, H. R. file, An act allowing and regulating writs of attachment, being returned from the H. of R. with their non-concurrence in amendments made by Council to sections 1, 16, and 17, and the second amendment to the form of the writ, in said bill;

Mr. Clark moved that the Council recede from their amendment to first section of said bill.

Mr. Payne moved to amend the motion, by insisting on the said amendment, which was adopted.

Mr. Hempstead moved that the Council recede from their amendment to the 16th section of said bill, which was agreed to, and,

On motion of Mr. Hempstead,

The Council insist upon their amendment to the 17th section of said bill.

On motion of Mr. Payne,



The Council insist upon their 2d amendment to the form of writ in said bill.

Mr. Clark then moved, that a committee of conference be appointed, in relation to the disagreement of the two Houses upon the foregoing amendments to said bill No. 33, H. R. file, and,

The Chair announced Messrs. Clark, Inghram, and Lewis, said committee.

Mr. Clark, on previous leave, introduced 'A Bill (No. 32, Council file,) to establish the boundaries of Slaughter county, and for other purposes,' which was read and ordered to be printed.

Mr. Parker obtained leave to bring in, on to-morrow, 'A Bill to incorporate the Iowa Mutual Fire Insurance Company.'

Also, on some future day, 'A Bill to provide for the appointment of Notaries Public, and to prescribe their duties.'

The Chair announced Messrs. Parker, Payne, and Keith, a committee to prepare said bills.

Mr. Clark obtained leave to bring in, on some future day, 'A Bill concerning Insane persons.'

On motion of Mr. Payne,

The Council adjourned.

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### Saturday Morning, Dec. 29, 1838.

The Council met pursuant to adjournment.

Mr. Clark, on previous leave, introduced Bill No. 33, Council file, 'A Bill to regulate Descent, Distribution, and Dower,' which was read and ordered to be printed.

Mr. Parker, on previous leave introduced Bill No. 34, Council file, 'A Bill to incorporate the Iowa Mutual Fire Insurance Company,' which was read and ordered to be printed.

Mr. Parker, on previous leave introduced 'A Bill (No. 35, Council file,) to provide for changing the Venue, in civil and criminal cases,' which was read; and,

On motion of Mr. Parker,

The rule requiring bills to be printed was suspended, and the bill read a second time, and considered in committee of the whole, Mr. Swazy in the chair; the chairman reported the bill to the Council without amendment, in which report the Council concurred, and ordered the bill to be engrossed for a third reading.

The following message from the H. of R. by Mr. Fales, their Chief Clerk:

MR. PRESIDENT—

The House of Representatives have passed the following:



No. 59, H. R. file, An Act to provide for the partition of real property.

A Memorial to Congress for amendment in the Organic Law; also, A Resolution, requesting the Governor to inform the respective Houses when he has approved of bills.

In all of which, the concurrence of the Council is requested.

I am also directed to present for your signature the following entitled acts, the same having been signed by the Speaker of the House of Representatives, viz:

An Act to prevent the selling of spirituous liquors to Indians.

An Act for the relief of securities of persons charged with criminal offences. Also,

A Memorial to the Congress of the United States for an appropriation for the erection of a Penitentiary.

And then he withdrew.

Said acts were severally signed by the President of the Council.

Mr. Hempstead, from the Judiciary committee, to whom was referred Bill No. 72, H. R. file, 'An Act concerning Grand and Petit Jurors,' reported the same without amendment, which bill was considered in committee of the whole, Mr. Lewis in the chair.

The chairman reported the bill to the Council without amendment, in which report the Council concurred and ordered the bill to a third reading.

Mr. Payne, on previous leave introduced 'A Bill (No. 36, Council file,) to authorize the appointment of a public administrator,' &c., which was read, and,

On motion of Mr. Payne,

The rule requiring bills to be printed, was suspended, and the bill read a second time, and considered in committee of the whole, Mr. Keith in the chair. The chairman reported the bill to the House, with amendments, in which the Council concurred, and ordered the bill to a third reading.

Mr. Hempstead presented the petition of C. Mason and others, in relation to a salary for the reporter to the Supreme Court.

Mr. Hempstead moved to refer said petition to the Judiciary committee.

Mr. Payne moved to amend the motion, by referring the petition to the committee on Expenditures.

On which question the yeas and nays were called for, and are as follow:

Yeas—Messrs. Hepner, Hughes, and Payne—3.

Nays—Messrs. Clark, Hempstead, Keith, Lewis, Parker, Ralston, Swazy, and Mr. President—8.

So the amendment was not agreed to.

The question then recurred upon the original motion, which was agreed to.

Mr. Lewis, from the Joint committee on Enrolments, reported—



That they have presented to the Governor for his approval, a joint resolution, for the appointment of a Fiscal Agent, for the present Legislative Assembly.

A Resolution of the H. of R. 'Requesting the Governor to inform the respective Houses, when he has approved of bills,' was read and concurred in by the Council.

Memorial to the Congress of the U. S. asking an amendment of the Organic Law, &c., which originated in the H. of R., was read, and,

On the question "Will the Council concur?" the yeas and nays were required, and are as follow:

Yeas—Messrs. Clark, Hempstead, Hepner, Hughes, Keith, Lewis, Parker, Payne, Swazy, and Mr. President—11.

Nays— ———.

Bill No. 59, H. R. file, 'An Act to provide for the partition of real property,' was taken up and read a first time; and,

On motion of Mr. Clark,

The Council adjourned until 2 o'clock, P. M.

## 2 O'CLOCK, P. M.

Bill No. 59, H. R. file, 'An Act to provide for the partition of real property,' was read a second time, and considered in committee of the whole, Mr. Parker in the chair. The chairman reported the bill to the Council without amendment, in which report the Council concurred, and ordered the bill to a third reading,

Mr. Parker, from the Joint committee on Enrolments, reported, that the following acts and memorials were presented to the Governor for his signature on the 29th instant.

An Act to locate and establish a Territorial road from Black Hawk, in Louisa county, via Mt. Pleasant, to the southern boundary of Van Buren county.

An Act to allow and regulate the action of right.

An Act to establish a Seminary of Learning at Wapello in Louisa county.

An Act to provide for laying out and opening Territorial roads.

An Act to authorize the Legislative Assembly to punish for contempt, and to privilege the members from arrest.

A Memorial to the Congress of the United States, to grant relief to Jeremiah Smith, jr.

Bill No. 63, H. R. file, 'An Act to authorize William Meek and Sons, to erect a dam across the Des Moines river,' being the special order of the day, and being under consideration in committee of the whole, Mr. Payne in the chair. The chairman reported the bill to the House with sundry amendments, in which the Council concurred; and,



On motion of Mr. Payne,  
The 14th rule was suspended, and the bill read a third time—  
Whereupon,

Mr. Hempstead asked the unanimous consent of the House to amend the 7th section of said bill by striking out "twenty-five," and inserting "fifty." On which amendment,

Mr. Payne called for the yeas and nays, and are as follow:

Yeas—Messrs. Clark, Hempstead, Hughes, Keith, Payne, Swazy, and Mr. President—7.

Nays—Messrs. Hepner, Lewis, and Parker—3.

So the amendment was agreed to, and the bill, as amended, was passed, and the title agreed to.

The President submitted a communication from L. Judson, transmitting his account against the Council for maps furnished. Which communication,

On motion of Mr. Payne,  
Was referred to the committee on Expenditures.

On motion of Mr. Hempstead,  
The Council adjourned.

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### Monday Morning, Dec. 31, 1838.

The Council met pursuant to adjournment.

Mr. Payne offered the following:

Resolved, That the hour of convening the morning session of the Council shall hereafter be at nine o'clock.

Which was not adopted.

Mr. Clark, on previous leave, introduced bill No. 37, Council file, A bill concerning insane persons, which was read, and

On motion of Mr. Clark,

The rule requiring bills to be printed, was suspended, and the bill read a second time by its title.

Mr. Lewis, from the committee on enrolments, reported A bill to incorporate the city of Du Buque, Council file, No. 9, to be correctly enrolled; also, A bill to authorize the appointment of a public administrator and to prescribe his duties, Council file, No. 36, to be correctly engrossed.

Mr. Payne, from the committee on engrossments, beg leave to report bill No. 35, Council file, to be correctly engrossed.

Mr. Parker, from the joint committee appointed for that purpose, report, that

An act concerning divorce;



An act to authorize Aaron Usher and Thomas M. Groom to keep a ferry;

An act to regulate interest on money and to prevent usury; and

An act to punish the venders of unwholesome liquors and provisions;

Were, on the 29th inst., presented to the Governor for his signature.

Mr. Clark obtained leave to bring in, on some future day, A bill for the incorporation of public libraries.

The chair announced Messrs. Clark, Parker, and Swazy, a committee to prepare said bill.

Mr. Payne, on previous leave, introduced bill No. 38, Council file, A bill providing for and regulating General Elections in this Territory, which was read, and

On motion of Mr. Payne,

The rule requiring bills to be printed, was suspended, and the bill read a second time, and considered in committee of the whole, Mr. Clark in the chair. The chairman reported the bill to the Council, and asked to be discharged from the further consideration of said bill for the present, which report was concurred in, and

On motion of Mr. Inghram,

The bill was referred to the judiciary committee.

On motion of Mr. Clark,

The Council adjourned until 2 o'clock, P. M.

## 2 O'CLOCK, P. M.

Bill No. 35, Council file, A bill to provide for changing the venue in civil and criminal cases, was read a third time and passed.

Bill No. 36, Council file, A bill to authorize the appointment of public administrators, was read a third time and passed.

Bill No. 59, H. R. file, An act to provide for the partition of real property, was read a third time and passed.

Bill No. 72, H. R. file, An act concerning grand and petit jurors, was read a third time and passed, and the titles of said bills agreed to.

Bill No. 37, Council file, was taken up and considered in committee of the whole, Mr. Ralston in the chair. The chairman reported the bill without amendment, in which the Council concurred, and ordered the bill to be engrossed for a third reading.

On motion of Mr. Lewis,

The Council adjourned.



## Tuesday Morning, Jan. 1, 1839.

The Council met pursuant to adjournment.

Mr. Hempstead, from the committee on expenditures, to whom was referred the communication and account of L. Judson, for furnishing the Council with maps, beg leave to submit the following report:

That they have examined the account of Mr. L. Judson, and think that the charges are reasonable and correct, for supplying the Council with his valuable maps, and therefore ask the concurrence of the Council in the following resolution:

Resolved, That L. Judson be allowed the sum of seventy-five dollars, as specified in his bill, and that the Secretary of the Territory is hereby authorized to pay the same, upon a certificate signed by the President and Secretary of the Council.

Which was concurred in.

Mr. Clark, from the select committee for that purpose, introduced bill No. 39, Council file,

A bill for the incorporation of public libraries;

Which was read, and the rule requiring bills to be printed suspended, and the bill read a second time, and considered in committee of the whole, Mr. Parker in the chair. The chairman reported the bill without amendment, in which report the Council concurred, and ordered the bill to be engrossed for a third reading.

Bill No. 28, Council file, A bill concerning the size of counties, &c. was taken up and considered in committee of the whole, Mr. Ralston in the chair. The chairman reported the bill with sundry amendments, which were concurred in by the Council, and the bill ordered to be engrossed for a third reading.

On motion of Mr. Parker,

The Council adjourned.



## Wednesday Morning, Jan. 2, 1839.

The Council met pursuant to adjournment.

The following message from the H. of R. by Mr. Fales, their Chief Clerk:

“MR. PRESIDENT—

The House of Representatives have passed bills of the following titles:

No. 67, An act to establish the boundaries of Lee county.

No. 94, An act to locate the Seat of Government of the Territory of Iowa; also,

A preamble and resolution asking for an appropriation from Congress, for the survey of the unsurveyed lands in this Territory.

I am also directed to present for your signature:

An act to authorize Ralph Letton to establish and keep a ferry across the Mississippi river at the town of Parkhurst.

An act to incorporate the city of Du Buque.

Also, sundry joint resolutions; the same having been signed by the Speaker of the House of Representatives.”

Which were severally signed by the President of the Council.

Mr. Clark presented the account of C. M. McDaniel, against the Territory, for services rendered as sheriff, advertising election, &c. \$50 00.

Which was referred to the committee on expenditures.

Mr. Lewis presented the account of G. W. Cummins, against the Territory, for advertising election, &c.

Which was referred to the committee on expenditures.

Mr. Lewis also presented the account of Wm. A. Warren, against the Territory, for advertising election, &c.

Which was referred to the committee on expenditures.

Bill No. 94, H. of R. file, ‘An Act to locate the Seat of Government of Iowa,’ was read a first and second time, and considered in committee of the whole, Mr. Hepner in the chair. The chairman reported the bill to the Council without amendment.

Mr. Clark then moved to strike out the second section of the bill, and, on the question, the yeas and nays were required, and are as follow:

Yeas—Messrs. Clark, Hempstead, Hepner, Inghram, Lewis, Parker, Ralston, Whittlesey, and Mr. President—9.

Nays—Messrs. Hughes, Keith, Payne, and Swazy—4.

So the second section was stricken out.



Mr. Hempstead moved to insert the following, in lieu of the second section, stricken out:

SEC. 2. Be it further enacted, That the commissioners, or a majority of them shall, on the first day of May, in the year eighteen hundred and thirty-nine, meet at the town of Napoleon, and proceed to locate the seat of government at the most eligible point within the following limits: Beginning at the north-east corner of township eighty-two, range five, west of the principal meridian; thence west on township line dividing townships eighty-two and eighty-three, to the northwest corner of township eighty-two, range eight; thence south on range line between ranges eight and nine, to the south-west corner of township seventy-eight; thence east on the township line dividing townships seventy-seven and seventy-eight to the southeast corner of township seventy-eight, range five; thence north on range line dividing ranges four and five to the place of beginning.

Mr. Clark moved to amend the amendment by striking out the limits therein mentioned, and insert, "within the present limits of Johnson county." On which question, the yeas and nays being required, are as follow:

Yeas—Messrs. Clark, Hempstead, Hepner, Inghram, Keith, Lewis, Parker, Ralston, Whittlesey, and Mr. President—10.

Nays—Messrs. Hughes, Payne, and Swazy—3.

So the question was determined in the affirmative.

Mr. Hughes then moved further to amend by striking out the words "Johnson county," and inserting "Davenport."

Mr. Swazy then moved to amend the amendment, by inserting "Burlington," in lieu of "Davenport," which motion the chair decided was out of order. From which decision,

Mr. Payne appealed to the House, and the House sustained the chair.

The question then recurred upon the amendment of Mr. Hughes, to strike out "Johnson county," and insert "Davenport," on which question the yeas and nays were as follow:

Yeas—Messrs. Hughes, Keith, Payne, and Swazy—4.

Nays—Messrs. Clark, Hempstead, Hepner, Inghram, Lewis, Parker, Ralston, Whittlesey, and President—9.

So the motion was lost.

Mr. Swazy then moved to strike out "Johnson county," and insert "Burlington," and on the question, the yeas and nays were ordered, and are as follow:

Yeas—Messrs. Hughes, Keith Payne, and Swazy—4.

Nays—Messrs. Clark, Hempstead, Hepner, Inghram, Lewis, Parker, Ralston, Whittlesey, and Mr. President—9.

So the question was lost.

On motion of Mr. Payne,

The Council adjourned until 3 o'clock, P. M.



## 3 O'CLOCK, P. M.

The Council resumed the consideration of Bill No. 94, H. R. file, An Act to locate the Seat of Government of the Territory of Iowa.

Mr. Hughes moved to strike out "Burlington," in the first section of said bill, and insert "Mount Pleasant." Upon which question the yeas and nays were as follow:

Yeas—Messrs. Hughes and Payne—2.

Nays—Messrs. Clark, Hempstead, Hepner, Inghram, Keith, Lewis, Parker, Ralston, Swazy, and Mr. President—10.

So the question was lost.

Mr. Hughes then moved to strike out "Burlington," and insert "Bloomington." On which question the yeas and nays are as follows:

Yeas—Messrs. Hughes and Payne—2.

Nays—Messrs. Clark, Hempstead, Hepner, Inghram, Keith, Lewis, Parker, Ralston, Swazy, and Mr. President—10.

So the question was lost.

Mr. Clark then moved to amend the second section, as amended in the first line after the word "Commissioners," by inserting the words "hereinafter mentioned," which was agreed to.

Mr. Hughes then moved to strike out all after the enacting clause of said bill, and insert the following: "To be located by three disinterested commissioners, in pursuance to a part of the Governor's message, and that their bounds shall be the whole Territory of Iowa."

Mr. Payne moved to amend as follows: "And that the temporary Seat of Government be and remain at Burlington, until the public buildings are erected at the location made by said commissioners," which was accepted.

And on the question, the yeas and nays were as follow:

Yeas—Messrs. Hughes, Keith, Payne, and Swazy—4.

Nays—Messrs. Clark, Hempstead, Hepner, Inghram, Lewis, Parker, Ralston, Whittlesey, and Mr. President—9.

So the question was lost.

The reading of the second section, as amended, was called for, viz:

SEC. 2. Be it further enacted, That the commissioners hereinafter mentioned, or a majority of them, shall, on the first day of May, in the year eighteen hundred and thirty-nine, meet at the town of Napoleon, and proceed to locate the Seat of Government at the most eligible point within the present limits of Johnson county.

The question being then put, "Will the Council concur in the amendment?" the yeas and nays are as follow:

Yeas—Messrs. Clark, Hempstead, Hepner, Inghram, Lewis, Parker, Ralston, Whittlesey, and Mr. President—9.

Nays—Messrs. Hughes, Keith, Payne, and Swazy—4.

So the amendment was adopted.



Mr. Hughes then moved to strike out all after the enacting clause of said bill. On which question the yeas and nays are as follow:

Yeas—Messrs. Hughes, Payne, and Swazy—3.

Nays—Messrs. Clark, Hempstead, Hepner, Inghram, Keith, Lewis, Parker, Ralston, Whittlesey, and Mr. President—10.

So the question was lost.

Mr. Hempstead, moved to strike out all the first section of said bill after the enacting clause, and insert the following in lieu thereof, viz:

“That until the public buildings are completed, and ready for the reception of the Legislative Assembly and other officers of the Territory, at the permanent Seat of Government, located as hereinafter directed, the sessions of the Legislative Assembly shall be held at the town of Burlington for three years. And until the aforesaid necessary buildings shall be declared by the Proclamation of the Governor, ready for the reception of the Legislative Assembly.” On which question, the yeas and nays were called for, and are as follow:

Yeas—Messrs. Clark, Hempstead, Hepner, Inghram, Keith, Lewis, Parker, Payne, Ralston, Swazy, Whittlesey, and Mr. President—12.

Nays—Mr. Hughes—1.

So the amendment was agreed to.

Mr. Hempstead then moved to strike out the third section, and insert the following:

SEC. 3. “That three commissioners, to consist of one person from each judicial district, in this Territory, shall be appointed by joint ballot of the Council and House of Representatives, to locate and establish the permanent Seat of Government of this Territory as herein before directed,” which was agreed to.

Mr. Lewis moved to amend the 4th section, by striking out after the word “delay” in 3rd line, the words, “they shall elect one of their number,” and insert, “The Governor of this Territory shall officiate as.”

Mr. Payne moved to amend the amendment, by striking out the word Governor,” and inserting “Secretary,” which was not agreed to.

Mr. Payne then moved to strike out “Governor,” and insert “Francis Gehon.”

On which question the yeas and nays are as follow:

Yeas—Payne—1.

Nays—Messrs. Clark, Hempstead, Hepner, Hughes, Inghram, Keith, Lewis, Parker, Ralston, Swazy, Whittlesey, and Mr. President—12.

So the motion was lost.

The question then recurred on the amendment of Mr. Lewis to the 4th section, which was agreed to.

Mr. Hempstead moved further to amend by adding the following as an additional section,

SEC. 5th. Be it further enacted, That the said commissioners shall



employ one or more competent surveyors, and all other hands necessary, and shall have six hundred and forty acres of land laid out in lots, out-lots, street, and alleys, at the place where the said Seat of Government is so located if practicable, which was agreed to.

Mr. Hempstead then moved further to amend, by adding the following as an additional section:

SEC. 6. Be it further enacted, That it shall be the duty of the commissioners to have the town platted, and to transmit a copy of the same to the Governor, which shall be filed in the office of the Secretary of the Territory, which was agreed to.

Mr. Inghram then moved that the bill be referred to the committee on Territorial Affairs, and that Messrs. Swazy and Hempstead be added to that committee, which was agreed to.

Mr. Parker, on previous leave, introduced 'A Bill No. 40, Council file, to provide for the appointment of Notaries Public, and to prescribe their duties,' which was read a first time by its title, and,

On motion of Mr. Lewis,

The Council adjourned.

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### Thursday Morning, Jan. 3, 1839.

The Council met pursuant to adjournment.

On motion of Mr. Inghram,

Resolved, That leave be given to bring in 'A Bill to legalize the acts of the present different Boards of Commissioners of the Territory of Iowa.

The Chair announced Messrs. Inghram, Hempstead, and Clark, a committee to prepare said bill.

Mr. Lewis, from the committee on Territorial Affairs, to whom was referred 'Bill No. 94, H. R. file, to locate the Seat of Government,' &c., reported the bill back to the Council, with an additional section, and on the question "Will the Council concur in said amendment?" The yeas and nays being required, and are as follow:

Yeas—Messrs. Clark, Hempstead, Hepner, Inghram, Lewis, Parker, Whittlesey, and Mr. President—8.

Nays—Messrs. Hughes, Keith, Payne, and Swazy—4.

So the amendment was concurred in.

Mr. Hempstead then moved, that the 19th rule, requiring bills to be considered in committee of the whole, be suspended.

On which question the yeas and nays are as follow:

Yeas—Messrs. Clark, Hempstead, Hepner, Inghram, Keith, Lewis, Parker, Ralston, Swazy, Whittlesey, and Mr. President—11.

Nays—Messrs. Hughes and Payne—2.



So the rule was suspended.

The following message from the H. of R. by Mr. Fales, their Chief Clerk.

MR. PRESIDENT—

I am directed to present for the concurrence of the Council, bills which have passed the House of Representatives, entitled as follows:

No. 70. An Act to incorporate the Bloomington and Cedar River Canal Company.

No. 71. An Act for the support of illegitimate children.

No. 75. An Act concerning water crafts found adrift, lost goods, and estray animals.

No. 78. An Act for establishing Courts of Probate.

No. 79. An Act relative to Wills and Testaments, Executors and Administrators, and the settlement of estates. And,

No. 105. An Act authorizing a special term of the District Court in Muscatine county. Also,

A Joint Resolution, paying the committee appointed to investigate the affairs of the Miners' Bank of Du Buque.

The House of Representatives have also passed bills of the Council, as follows:

No. 7. An Act relating to the office of Register of Deeds, with amendments, in which the concurrence of the Council is requested. And,

No. 27. An Act concerning apprentices and servants, without amendment. I am also directed to present for your signature, the following entitled acts, the same having been signed by the Speaker of the House of Representatives, viz:

An act concern Grand and Petit Jurors.

An Act to prevent disasters on steam boats, &c.

An Act regulating weights and measures.

An Act to provide for the partition of real property; and,

An Act regulating criminal proceedings.

All of which were severally signed by the President of the Council.

Bill No. 94, H. of R. file, being again under consideration,

Mr. Payne moved to strike out all after the enacting clause of said bill, and insert the following in lieu thereof:

That there be elected by joint ballot of both Houses of this Legislative Assembly, three Commissioners, who shall proceed as soon as practicable, or on the first of May next, (taking into consideration the Organic Law, the situation of the country, and the people's rights,) to locate the Seat of Government of this Territory. Said commissioners to meet in the town of Burlington, and to take an oath faithfully to discharge their duties as such Commissioners. And as soon as they have made such location, shall forthwith make out a record of the same, with their certificate affixed thereto, and shall transmit a copy of the same to the Governor, who shall proceed to contract for the



erection of the public buildings, and he is hereby authorized to employ a suitable Superintendent, who shall daily superintend said buildings, under the direction of the Governor. And the Governor is hereby authorized to draw on the Treasurer of the United States for any sum now appropriated or that may hereafter be appropriated for the erection of said buildings. And until the public buildings are erected, the Governor is hereby authorized to convene the Legislative Assembly at such place as he may deem proper.

On which question the yeas and nays are as follow:

Yeas—Messrs. Hughes, Keith, Payne, and Swazy—4.

Nays—Messrs. Clark, Hempstead, Hepner, Inghram, Lewis, Parker, Ralston, Whittlesey, and Mr. President—9.

So the question was lost.

Mr. Payne then moved to refer the bill to a select committee, which was not agreed to.

Mr. Clark asked for the unanimous consent of the Council to amend the bill, which was not granted.

The Bill was then read a third time, and on the question "Shall the bill pass?" the yeas and nays are as follow:

Yeas—Messrs. Clark, Hempstead, Hepner, Inghram, Keith, Lewis, Parker, Ralston, Whittlesey, and Mr. President—10.

Nays—Messrs. Hughes, Payne, and Swazy—3.

So the bill passed.

Mr. Clark then moved to amend the title of the bill by adding the following: "And for other purposes," which was adopted, and the title, as amended, was agreed to.

Mr. Parker, from the joint committee appointed for the purpose, report that---

An Act to prevent the selling of spirituous liquors to Indians,

An Act for the relief of securities of persons charged with criminal offences,

A Memorial to Congress for an amendment to the Organic Law,

A Memorial to Congress for means to erect a Penitentiary.

Were handed to the Governor for his approval on the 2d inst.

Mr. Parker, from the Committee on Enrolments, report---

No. 54, H. R. file, An Act regulating weights and measures.

No. 65, H. R. file, An Act to prevent disasters on steam boats navigating the waters within the jurisdiction of this Territory.

No. 4, Council file, An Act relative to promissory notes, bonds, due bills, and other instruments of writing.

No. 4, H. R. file, An Act regulating criminal proceedings.

No. 6, Council file, An Act to organize, discipline, and govern the Militia of this Territory, correctly enrolled.

Mr. Hempstead from the Judiciary Committee to whom was referred bill No. 36, H. R. file, 'An act fixing the terms of holding the Supreme and District Courts,' &c., reported the bill with amendments, which were concurred in by the Council; and,



On motion of Mr. Clark,

The bill was laid on the table, and made the order of the day for tomorrow.

Mr. Hempstead, on previous leave, introduced 'A Bill, (No. 41, Council file,) regulating practice in the District Courts of the Territory of Iowa; which,

On motion of Mr. Clark,

Was read by its title, and ordered to be printed.

Mr. Payne, from the Committee on Engrossments, reported Bills Nos. 28, 37, and 39, Council file, correctly engrossed.

Mr. Clark, from the committee on conference, appointed by the Council to confer with a similar committee of the House in relation to the disagreeing vote upon the amendments of the Council to the 1st and 12th sections of bill 33, H. R. file, and the amendment of Council to the form of the writ in said bill, report---

That your committee met the committee of the House in conference and that said committee agree to all of the above amendments of the Council, which report was concurred in.

Bill No. 41, H. R. file, 'An Act subjecting real and personal estate to execution,' was taken up and considered in committee of the whole, Mr. Payne in the chair.

After some time, the committee rose, and by their chairman, reported progress, and asked leave to sit again, which was granted.

On motion of Mr. Hughes,

The Council adjourned until 2 o'clock, P. M.

## 2 O'CLOCK, P. M.

On motion of Mr. Parker,

Bill No. 41, Council file, was ordered to be sent to Mr. Edwards to be printed.

On motion of Mr. Payne,

The Council adjourned until 7 o'clock, this evening.

## 7 O'CLOCK, IN THE EVENING.

The following message from the H. of R. by Mr. Fales, their Chief Clerk.

MR. PRESIDENT---

The House of Representatives have concurred in the amendments made by the Council to Bill No. 94, H. R. file, entitled, 'An Act to locate the Seat of Government of the Territory of Iowa, by adding two slight amendments, in which the concurrence of the Council is requested.

Mr. Payne moved to reject the report, on which question the yeas and nays are as follow:

Yeas---Messrs. Hughes, Keith, and Payne---3.



Nays---Messrs. Clark, Hempstead, Hepner, Inghram, Lewis, Parker, Swazy, Whittlesey, and Mr. President---9.

So the motion was lost.

Mr. Hempstead then moved that the Council concur in the amendments made to the amendments of the Council by the House.

The amendments were read, and on the question, the yeas and nays are as follow---

Yeas---Messrs. Clark, Hempstead, Hepner, Inghram, Keith, Lewis, Parker, Swazy, Whittlesey, and Mr. President---10.

Nays---Messrs. Hughes and Payne---2.

So the amendments were concurred in.

On motion of Mr. Hempstead,

The Council adjourned.

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### Friday Morning, Jan. 4, 1838.

The Council met pursuant to adjournment.

Mr. Payne presented the remonstrance of sundry citizens of Slaughter county, against any alteration of their county lines; which was referred,

On motion of Mr. Payne,

To the same committee who reported a bill on that subject.

Mr. Parker, from the joint committee for that purpose, report, that An act to authorize Ralph Letton to keep a ferry across the Mississippi river at Parkhurst.

An act to incorporate the city of Du Buque; also,

Several joint resolutions; were on the 3d inst., presented to the Governor for his approval.

Bill No. 41, H. R. file, An act subjecting real and personal estate to execution, being again under consideration in committee of the whole, Mr. Payne in the chair.

After some time spent therein, the committee rose, reported progress, and asked leave to sit again to-morrow, and

On motion of Mr. Lewis,

Said bill was referred to the judiciary committee.

On motion of Mr. Whittlesey,

Bill No. 70, H. R. file, An act to incorporate the Bloomington and Cedar river canal company, was taken up and read a first and second time, and considered in committee of the whole, Mr. Swazy in the chair.

After some time, the committee rose, and by their chairman reported the bill with sundry amendments, and before the question of concurrence was put,



Mr. Payne moved to strike out the 7th section of the bill; on which question the yeas and nays are as follow:

Yeas—Mr. Payne—1.

Nays—Messrs. Clark, Hempstead, Hepner, Hughes, Inghram, Keith, Lewis, Parker, Ralston, Swazy, Whittlesey, and Mr. President—12.

So the question was lost.

The question then recurred upon concurring in the report of the committee of the whole; on which question the yeas and nays are as follow:

Yeas—Messrs. Clark, Hempstead, Hepner, Hughes, Inghram, Keith, Lewis, Parker, Ralston, Swazy, Whittlesey, and Mr. President—12.

Nays—Mr. Payne—1.

So the question was agreed to.

Mr. Swazy moved to amend the 7th of section said bill, by striking out the word "two," where it occurs before years, and insert "five;" which was lost.

Mr. Parker moved to amend the 22d section, sixth line, by striking out the word "said," before "county," and inserting the word "the" in lieu thereof; and between the words "county" and "shall," insert the words "of Muscatine;" which was agreed to.

On motion of Mr. Clark,

The rule which prohibits the second and third reading of bills on the same day was suspended, and the bill, as amended, was read a third time and passed, and the title agreed to.

On motion of Mr. Hempstead,

The Council adjourned until 2 o'clock, P. M.

## 2 O'CLOCK, P. M.

Mr. Clark moved that bill No. 36, H. R. file, An act fixing the terms of the Supreme and District Courts of the Territory of Iowa, &c. be now taken up, which was agreed to, and the bill read a second time, and considered in committee of the whole, Mr. Inghram in the chair. The chairman reported the bill to the Council with sundry amendments, which were concurred in.

On motion of Mr. Hempstead,

The bill was amended so as to change the time of holding courts in Du Buque county, from the "fourth to the "third" Mondays of April and September; and the bill, as amended, was ordered to a third reading.

On motion of Mr. Hempstead,

The joint resolution, reported from the House of Representatives, providing for paying the joint committee to examine the Miners' Bank of Du Buque, was read and concurred in.



The resolution of the H. of R. to the Congress of the U. S. asking for a survey of the unsurveyed lands, &c. was read and concurred in.

Bill No. 67, H. R. file, An act to establish the boundaries of Lee county, was read a first and second time, and made the order of the day for Monday next.

Bill No. 28, Council file, An act concerning the size of counties, and providing a way in which county lines may be altered, was read a third time and passed.

Bill No. 37, Council file, An act concerning insane persons, was read a third time and passed.

Bill No. 39, Council file, An act for the incorporation of public libraries, was read a third time and passed, and the titles of said bills agreed to.

Bill No. 7, Council file, An act relating to the office of Register of Deeds, being returned from the H. of R. with sundry amendments, which were read and concurred in by the Council.

Bill No. 71, H. R. file, An act for the support of illegitimate children, was read a first and second time.

Mr. Hempstead then moved to reject the bill; which was not agreed to, and

On motion of Mr. Inghram,

The bill was referred to the judiciary committee.

The following message from the H. of R. by Mr. Fales, their Chief Clerk:

“MR. PRESIDENT—

I am directed to inform the Council that the House of Representatives have passed bills as follows:

No. 77, An act to authorize Benjamin Nye to build a dam across Pine river.

No. 83, An act concerning costs and fees.

No. 102, An act confirming grants of property for the encouragement of education, &c.; also,

Memorials to Congress for the survey of Skunk river, and of a route for a rail road from Rockingham.

In which bills and memorials the concurrence of the Council is requested.

The House have also passed bill No. 35, Council file, entitled An act to provide for changing the venue in civil and criminal cases.

I am further directed to inform the Council that the House have concurred in the amendments, made by Council, to bill No. 63, H. R. file, entitled An act to authorize Wm. Meek and Sons to erect a dam, &c.

Also, to present for your signature,

An act to organize, discipline, and govern the militia of this Territory.

An act relative to promissory notes, bonds, &c.; and

An act to locate the Seat of Government of the Territory of Iowa;



The same having been signed by the Speaker of the House of Representatives."

Bill No. 75, H. R. file, An act concerning water crafts found adrift, lost goods, and estray animals, was read a first and second time, and considered in committee of the whole, Mr. Clark in the chair. The committee rose, and by their chairman reported progress, and asked leave to sit again; which was granted.

Mr. Payne obtained leave to bring in, on to-morrow, A bill to authorize Robert Wilson to build a dam across Skunk river, &c.

The chair announced Messrs. Payne, Inghram, and Parker, a committee to prepare said bill.

Mr. Parker obtained leave to bring in, some future day, A bill to amend an act passed by the Wisconsin Legislature, and approved June 23, 1838; also,

A bill relative to the construction of statutes in force in this Territory.

The chair announced Messrs. Parker, Swazy, and Hempstead, a committee to prepare said bills.

Mr. Swazy obtained leave to bring in, on some future day, A bill to incorporate the Plymouth Mill and Manufacturing company.

The chair announced Messrs. Swazy, Parker, and Hughes, a committee to bring in said bill.

On motion of Mr. Payne,  
The Council adjourned.

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### Saturday Morning, Jan. 5, 1839.

The Council met pursuant to adjournment.

Mr. Hempstead offered the following:

Resolved, by the Council and House of Representatives of the Territory of Iowa, That L. Judson, Esqr. be, and he is hereby employed to furnish one hundred and twenty copies of his large map of the Territory of Iowa, to be distributed as the Legislature shall hereafter direct, which maps, when completed, shall be delivered to the Secretary of the Territory, together with the account for the same, which account shall be laid before the Legislature for their allowance.

Mr. Inghram moved to lay the resolution on the table; which was not agreed to.

Mr. Whittlesey moved that a call of the House be had, which was granted, and the following gentlemen answered to their names:

Messrs. Hempstead, Hughes, Inghram, Keith, Lewis, Parker, Payne, Ralston, Swazy, Whittlesey, and Mr. President; absent members were sent for, and



On motion of Mr. Clark,

The resolution was laid upon the table and made the order of the day for Wednesday next.

The following message from the H. of R. by Mr. Fales, their Chief Clerk.

MR. PRESIDENT—

I am directed to inform the Council that the House of Representatives have passed a preamble and resolutions on the subject of education; also,

A resolution instructing the Secretary of the Territory to forward the memorials to Congress, passed by the Legislative Assembly.

Mr. Parker, from the joint committee for that purpose, report, that the following acts were presented to the Governor, on the 4th inst., for his approval.

An act regulating criminal proceedings.

An act concerning grand and petit jurors.

An act regulating weights and measures.

An act to provide for the partition of real property.

An act to prevent disasters on steam boats navigating the waters within the jurisdiction of this Territory.

An act to locate the Seat of Government of the Territory of Iowa, and for other purposes.

An act relative to promissory notes, bonds, bills, and other instruments of writing.

An act to organize, discipline, and govern the militia of this Territory.

Mr. Inghram, on previous leave, introduced A bill (No. 42, Council file,) to legalize the acts of county commissioners, which was read, and

On motion of Mr. Parker,

The rule requiring bills to be printed, was suspended, and the bill was read a second time, and considered in committee of the whole, Mr. Lewis in the chair. The chairman reported the bill to the Council without amendment, which report was concurred in, and

On motion of Mr. Inghram,

The rule prohibiting the second and third reading of a bill on the same day was suspended, and the bill was read a third time and passed, and the title of said bill agreed to.

Mr. Hughes asked and obtained leave of absence for Mr. Clark, until Monday evening next.

Mr. Payne, on previous leave, introduced A bill (No. 43, Council file,) to authorize Robert Wilson, his heirs or assigns, to erect a dam across Skunk river; which was read, and

On motion of Mr. Payne,

The rule requiring bills to be printed, was suspended, and the bill read a second time, and considered in committee of the whole, Mr.



Hempstead in the chair. The chairman reported the bill to the House with an amendment, which was concurred in by the Council, and

On motion of Mr. Payne,

The rule prohibiting the second and third reading of bills of the same day, was suspended, and the bill was read a third time and passed.

Bill No. 40, Council file, was taken up, and

On motion of Mr. Parker,

The rule requiring bills to be printed, was suspended, and said bill was read a second time, and considered in committee of the whole, Mr. Whittlesey in the chair. The chairman reported the bill back to the House with amendments; and the question on concurring in said amendments, being taken separately, all the amendments were concurred in, except the amendment to the 2nd section, which was to strike out "Governor" and insert "Secretary," which was not concurred in; and

On motion of Mr. Parker,

The rule prohibiting the second and third reading of bills on the same day, was suspended, and the bill was read a third time and passed, and the titles of said bills agreed to.

Bill No. 41, Council file, A bill regulating practice in the district courts of the Territory of Iowa, was read a second time, and considered in committee of the whole, Mr. Inghram in the chair.

After some time spent therein, the committee rose, and by their chairman reported the bill to the House with sundry amendments, which were concurred in; and

On motion of Mr. Parker,

The words included within the parenthesis, in the 2d line of the 50th section, were stricken out.

On motion of Mr. Lewis,

The rule requiring bills to be engrossed, was suspended, and

On motion of Mr. Inghram,

The rule prohibiting bills to be read a second and third time on the same day, was suspended, and the bill was read a third time and passed, and the title of said bill agreed to.

Mr. Payne asked and obtained leave of absence for Mr. Patterson, Doorkeeper, until Wednesday evening next.

On motion of Mr. Hughes,

The Council adjourned until Monday, 10 o'clock, A. M.



## Monday Morning, Jan. 7, 1839.

Mr. Hempstead submitted the following:

Resolved, That a standing committee on Vetoes and Qualified Approvals, be appointed, to consist of three members of the Council, which was not agreed to.

Mr. Hempstead, from the Judiciary Committee, to whom was referred the petition of Charles Mason, J. Williams, and Thomas S. Wilson, Judges of the Supreme Court of the Territory of Iowa, and other citizens, praying that the Reporter of the decisions of the said Court may receive an annual salary of six hundred dollars, beg leave to present the following Resolution:

Whereas, The Supreme Court of the Territory of Iowa, have appointed Charles Weston, Reporter of the decisions of said Court: And whereas the said reports are absolutely necessary for the use of the Legislatively Assembly of this Territory, and the people at large: And whereas, the Organic Law has made no provision for the salary of said Reporter, or compensation for his important services: Therefore—

Resolved, by the Council and House of Representatives of the Territory of Iowa, That the Hon. Wm. W. Chapman, our Delegate in Congress, be and is hereby instructed to use his exertions to procure the Organic Law of this Territory to be so amended as to allow a Reporter of the Supreme Court of said Territory a salary of four hundred dollars annually, and that a copy of this resolution and preamble be forwarded immediately to the President of the United States, and to our delegate in Congress, by the Secretary of the Territory.

On concurring in the report of the committee the yeas and nays are as follow:

Yeas—Messrs. Hempstead, Hepner, Keith, Lewis, Parker, Ralston, Swazy, and Mr. President—8.

Nays—Messrs. Hughes, Inghram, Payne, and Whittlesey.—4.

So the Report was concurred in.

Bill No. 36, H. R. file, was taken up and read a third time, and passed, and the title agreed to.

Mr. Whittlesey, from the joint committee on Enrolments, report.

Bill No. 27, Couecil file, 'An Act concerning Apprentices and Servants,' correctly enrolled.

Bill No. 77, H. R. file, 'An Act to authorize Benjamin Nye to build a dam across Pine River,' was taken up and read a first and second time, and considered in committee of the whole, Mr. Hepner in the chair.



After some time, the committee rose, and by their chairman reported the bill to the Council without amendment, which report was concurred in, and the bill ordered to a third reading.

Bill No. 83, H. R. file, 'An Act concerning Costs and Fees,' was taken up and read a first and second time, and considered in committee of the whole, Mr. Lewis in the chair. The chairman reported progress and asked leave to sit again, which was granted.

The following message from the H. of R. by Mr. Fales, their Chief Clerk:

MR. PRESIDENT—

I am directed to present for your signature, the following entitled Acts, the same having been signed by the Speaker of the House of Representatives:

An Act to authorize Wm. Meek and Sons to erect a dam across the Des Moines river; and,

An Act allowing and regulating Writs of Attachment.

On motion of Mr. Hempstead,

The Council adjourned until 2 o'clock, P. M.

## 2 O'CLOCK, P. M.

The committee of the whole resumed the consideration of Bill No. 83, H. R. file, 'An Act concerning Costs and Fees,' Mr. Lewis in the chair. The chairman reported the bill back to the Council with sundry amendments, which were concurred in by the Council.

Mr. Whittlesey then moved to amend said bill by adding the following to the 3d section: "The attendance of any number of witnesses (exceeding two) to any particular fact, shall be paid for by the party summoning such witnesses."

Which was not agreed to.

Mr. Hepner moved further to amend the 3d section, by striking out of the following sentence, "serving a subpoena, or summons, on each person named therein," &c., the word "Summons," and inserting after said sentence the following: "Serving a summons on each person, and mileage, twenty-five cents," which were adopted.

Mr. Lewis moved further to amend, by adding, after that part of the 3d section which fixes the fees of Probate Judges, "the fees allowed to County Surveyors," which were adopted.

Mr. Parker then moved to amend the 14th section, by adding, after the words "Supreme Court," where it occurs the second time, the following, "the expense of which to be paid out of the Territorial Treasury." Also, to strike out all of the section after the words "district court," where it occurs the second time, and insert, "the expense of which to be paid out of the County Treasury," which amendments were agreed to, and the bill, as amended, was ordered to a third reading.



The following message from the H. of R. by Mr. Fales, their Chief Clerk,

MR. PRESIDENT—

I am directed to inform the Council, that the House of Representatives have passed an act of the following title, to wit:

No. 109, An Act to organize the county of Linn, and to establish the seat of justice thereof. Also,

A Joint Resolution, requesting the Secretary of the Territory to inform the Legislature of all acts passed at the present session of the Legislative Assembly, which may be filed in his office.

I am also directed to present for your signature two other joint resolutions, the same having been signed by the Speaker of the House of Representatives.

Which were signed by the President of the Council.

Bill No. 29, Council file, 'A Bill defining Crimes and Punishments,' was read a second time, and considered in committee of the whole, Mr. Inghram in the chair.

After some time, the committee rose, and by their chairman, reported progress, and asked leave to sit again, which was granted.

On motion of Mr. Payne,

The Council adjourned.

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### Tuesday Morning, Jan. 8, 1839.

Mr. Lewis, from the joint committee on Enrolments, reported, that they have presented to the Governor for his signature, the following Acts, viz:

An Act to authorize William Meek and Sons to erect a dam across the Des Moines river, and

An Act regulating Writs of Attachment.

Bill No. 67, H. R. file, 'An Act to establish the boundaries of Lee county,' was taken up and read, and considered in committee of the whole, Mr. Parker in the chair. The chairman reported the bill to the Council with amendments, which were concurred in by the Council.

Mr. Hepner then moved to strike out the enacting clause of said bill, which was not agreed to, and the bill, as amended, was ordered to a third reading.

Mr. Hepner obtained leave to bring in, on to-morrow, A bill to establish the boundaries of Des Moines county.

The chair announced Messrs. Hepner, Swazy, and Lewis, a committee to bring in said bill.

Mr. Clark moved, that the rule prohibiting bills to be read a second and third time, on the same day, be suspended, which was granted,



and Bill No. 67, 'An Act to establish the boundaries of Lee county,' was read a third time, and on the question, "Shall the bill pass?" the yeas and nays are as follow:

Yeas—Messrs. Clark, Hempstead, Keith, Lewis, Swazy, Whittlesey, and Mr. President—7.

Nays—Messrs. Hepner, Hughes, Inghram, Parker, Payne, Ralston—6.

So the question was determined in the affirmative, and the title of said bill was agreed to.

The following message from the H. of R. by Mr. Fales, their Chief Clerk:

MR. PRESIDENT—

I am directed to inform the Council that the House of Representatives have passed bill of the Council No. 36, entitled, 'An Act to authorize the appointment of Public Administrators,' &c.

Also, Bills of the House, as follows:

No. 45, 'An Act to establish the boundaries of Louisa county, and to locate the seat of justice,' &c.

No. 58, 'An Act to provide for the appointment of Justices of the Peace, and to prescribe their powers and duties.

No. 80, 'An Act to provide for the appointment of District Prosecutors, and defining their duties.'

No. 97, An Act to regulate Blacks and Mulattoes, and to punish the kidnappers of such persons.'

No. 99, 'An Act providing for and regulating general elections.'

In all of which the concurrence of the Council is requested.

I also present for your signature,

'An Act concerning Apprentices and Servants,' the same having been signed by the Speaker of the House of Representatives;

Which was signed by the President of the Council.

Bill No. 29, Council file, 'A Bill defining crimes and punishments,' being again under consideration in committee of the whole, Mr. Inghram in the chair. The chairman reported the bill to the Council, and asked to be discharged from the further consideration of said bill, which was agreed to.

Mr. Clark then moved, that the bill be recommitted to the Judiciary committee, with instructions to strike out "whipping and standing in the pillory," wherever they occur in the bill as modes of punishment, and substitute 'imprisonment at hard labor,' and pending the question,

On motion of Mr. Lewis,

The Council adjourned until 2 o'clock, P. M.

2 O'CLOCK, P. M.

The following message from the H. of R. by Mr. Fales, their Chief Clerk:



MR. PRESIDENT—

I am directed to inform the Council, that the House of Representatives have concurred in the resolution on the subject of a salary for the Reporter of the Supreme Court.

Mr. Parker presented the account of Frazier Wilson against the Territory of Iowa, for services rendered in advertising the General Election of Sept. 1838, in Scott and Clinton counties, \$50, which was,

On motion of Mr. Parker,  
Referred to the Committee on Expenditures.

On motion of Mr. Lewis,

The Council adjourned.

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### Wednesday Morning, Jan. 9, 1839.

Mr. Hempstead obtained leave to bring in on to-morrow, 'A Bill to authorize David W. Kilbourn to keep a ferry across the Mississippi river at the town of Montrose.

The Chair announced Messrs. Hempstead, Clark, and Parker, a committee to bring in said bill.

Bill No. 45, H. R. file, 'An Act to establish the boundaries of Louisa county,' &c., was read a first and second time, and considered in committee of the whole, Mr. Payne in the chair. The chairman reported the bill to the Council without amendment, which report was concurred in by the Council; and,

On motion of Mr. Clark,

The rule prohibiting the second and third reading of bills on the same day, was suspended, and the bill read a third time, and passed, and the title agreed to.

Bill No. 29, Council file, 'A Bill defining crimes and punishments,' being under consideration,

Mr. Clark renewed his motion, (which was pending when said bill was under previous consideration) when the Council adjourned, viz: "To re-commit the bill to the Judiciary Committee, with instructions to strike out whipping and standing in the pillory wherever they occur in the bill as modes of punishment, and substitute, imprisonment at hard labor.

Mr. Inghram moved to amend the motion, so as to instruct said committee "to enquire into the expediency of so amending said bill as moved by Mr. Clark," which was accepted by the mover, and the motion, as amended, agreed to.

Bill No. 75, H. R. file, 'An Act concerning water crafts, found adrift, lost goods, and estray animals,' being under consideration, was resumed in committee of the whole, Mr. Clark in the chair. The chair-



man reported the bill to the Council with an amendment, and before the question of concurrence being put,

Mr. Inghram moved to refer the bill to the Judiciary committee which was agreed to.

On motion of Mr. Payne,

The Council adjourned until 2 o'clock, P. M.

### 2 O'CLOCK, P. M.

A Joint Resolution, 'Authorizing L. Judson to furnish one hundred and twenty copies of his large map of the Territory of Iowa,' &c., being the special order of the day, and under consideration,

Mr. Whittlesey moved to amend the resolution by striking out 'one hundred and twenty,' and insert 'thirteen.'

Mr. Parker moved to amend the amendment, by inserting 'twenty-five' instead of 'thirteen,' which was accepted, and the amendment as amended, was agreed to.

Mr. Hempstead then asked leave to withdraw the resolution.

Leave was granted, and the resolution withdrawn.

Mr. Swazy, on previous leave, introduced 'A Bill, No. 44, Council file, to incorporate the Plymouth Mill and Manufacturing Company,' which was read; and,

On motion of Mr. Clark,

The rule requiring bills to be printed, was suspended, and the bill read a second time, and considered in committee of the whole, Mr. Hempstead in the chair. The chairman reported the bill to the House with amendments, which were concurred in, and the bill ordered to be engrossed and read a third time.

Mr. Payne moved to suspend the rule prohibiting bills to be read a second and third time on the same day, which was granted, and the bill read a third time, and passed, and the title agreed to.

Mr. Hepner, on previous leave, introduced 'A Bill, No. 45, Council file, to define the boundaries of Des Moines county,' which was read and ordered to be printed.

Bill No. 32, Council file, 'A Bill to establish the boundary lines of Slaughter county, and for other purposes,' was read a second time and considered in committee of the whole, Mr. Payne in the chair. The chairman reported the bill to the House with sundry amendments, which were concurred in; and,

On motion of Mr. Clark,

The rules requiring the second and third reading of bills, &c., on two several days, was suspended, and the bill read a third time.

On motion of Mr. Clark,

The blanks in the third section were filled by inserting the name of John Gilliland, of Louisa county, Thomas Richey, of Henry county, and William Chambers, of Muscatine county, to be commissioners to



locate the seat of justice, &c., and the bill, as amended, was passed, and the title agreed to.

Bill, No. 33, Council file, 'A Bill to regulate Descents, Distribution, and Dower,' being under consideration, was,

On motion of Mr. Clark,

Referred to the Judiciary Committee.

Bill, No. 30, Council file, 'A Bill to regulate the mode of petitioning the Legislature in certain cases,' was read a second time, and considered in committee of the whole, Mr. Hepner in the chair. The chairman reported the bill to the Council with an amendment, which was concurred in; and,

On motion of Mr. Payne,

The rule requiring bills to be read a second and third time on two several days, was suspended, and the bill read a third time, and passed, and the title agreed to.

Bill, No. 34, Council file, 'A Bill to incorporate the Iowa Mutual Fire Insurance Company,' was read a second time, and considered in committee of the whole, Mr. Parker in the chair. The chairman reported the bill to the House with two amendments, and the question on concurring in said amendments being taken separately, were severally concurred in, and the bill ordered to be engrossed and read a third time.

On motion of Mr. Parker,

The rule prohibiting bills to be read a second and third time on the same day, was suspended, and the bill was read a third time, and passed, and the title agreed to.

On motion of Mr. Hempstead,

The Council adjourned.

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### Thursday Morning, Jan. 10, 1839.

On motion of Mr. Parker,

Resolved, That after the 20th inst. no new business of any description be introduced into this Council.

Mr. Hempstead, on previous leave, introduced A bill (No. 46, Council file,) to authorize David W. Kilbourne to keep a ferry across the Mississippi river at the town of Montrose, which was read, and

On motion of Mr. Hempstead,

The rule requiring bills to be printed, was suspended, and the bill read a second time, and considered in committee of the whole, Mr. Whittlesey in the chair. The chairman reported the bill to the House with an amendment, which was concurred in; and



On motion of Mr. Hempstead,

The rules requiring bills to be engrossed and read the second and third time on two several days, were suspended, and the bill was read a third time and passed, and the title agreed to.

Mr. Parker, on previous leave, introduced A bill (No. 47, Council file,) concerning the construction of statutes, &c., which was read and ordered to be printed.

Bill No. 77, H. R. file, An act to authorize Benjamin Nye to build a dam across Pine river, was read a third time and passed.

Bill No. 83, H. R. file, An act concerning costs and fees, was read a third time and passed, and the titles of said bills agreed to.

Bill No. 58, H. R. file, An act to provide for the appointment of Justices of the Peace, &c., was read a first and second time, and considered in committee of the whole, Mr. Inghram in the chair. The committee rose, and by their chairman reported progress, and asked leave to sit again this afternoon; which was granted.

On motion of Mr. Parker,

The Council adjourned until 2 o'clock, P. M.

## 2 O'CLOCK, P. M.

The following message from the House of Representatives, by Mr. Fales their Chief Clerk:

"MR. PRESIDENT—

I am directed to inform the Council that the House of Representatives have passed bill of the Council,

No. 37, An act concerning insane persons.

Also, bills of the House as follow:

No. 23, An act to divide the county of Henry and establish the county of Jefferson.

No. 111, An act for the improvement of the breed of horses.

No. 113, An act to provide for the collection of demands growing out of contracts for the sales of improvements on public lands.

In which the concurrence of Council is requested.

The House of Representatives have concurred in the amendment made by Council to An act to establish the boundaries of Lee county.

I am also directed to present for your signature:

An act to incorporate the Bloomington and Cedar river canal company.

The same having been signed by the Speaker of the House of Representatives."

Which was then signed by the President of the Council.

Bill No. 58, H. R. file, was resumed in committee of the whole, Mr. Inghram in the chair.

After some time spent in consideration of the same, the committee



rose, and by their chairman reported progress, and asked leave to sit again; which was granted.

On motion of Mr. Inghram,  
The Council adjourned.

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Friday Morning, Jan. 11, 1838.

Mr. Hempstead, from the Judiciary committee to whom was referred Bill No. 29, Council file, 'A Bill defining crimes and punishments,' reported the same to the Council with sundry amendments, which were concurred in by the Council.

Mr. Hempstead, from the Judiciary Committee, to whom was referred 'An Act (No. 41, H. R. file,) subjecting real and personal estate to execution,' reported the same back to the House with amendments, which were concurred in.

On motion of Mr. Parker,

A resolution of the House, requesting the Hon. Wm. B. Conway to inform the Legislative Assembly of all acts, &c., filed in his office which have been sanctioned by the Executive,' was read, and,

On motion of Mr. Hempstead,

Was concurred in.

Mr. Lewis asked and obtained leave to bring in on to-morrow, A Bill defining the boundaries of the counties of Clayton, Du Buque, Fayette, Delaware, and Buchanan. Also,

A Memorial to the Congress of the United States, praying for the relief of settlers upon the sixteenth section.

The Chair announced Messrs. Lewis, Clark, and Whittlesey, a committee to prepare the same.

The following message from the H. of R. by Mr. Fales, their Chief Clerk:

MR. PRESIDENT—

The House of Representatives have passed bills of the Council, as follows:

No. 39, 'An Act for the incorporation of Public Libraries.

No. 43, 'An Act to authorize Robert Wilson, his heirs, and assigns to erect a dam across Skunk river,' without amendment.

Also, Bills of the House, as follow.

No. 66, An Act to establish the several Seminaries therein named.

No. 95, An Act to provide for the appointment and duties of Sheriffs.

No. 128, An Act to provide for the compensation of the Sheriffs in the different counties of this Territory for ordering elections, in which the concurrence of the Council is requested.



I am also directed to present for your signature, 'An Act to establish the boundaries of Lee county.'

A preamble and resolution on the subject of a salary for the Reporter of the Supreme Court, the same having been signed by the Speaker of the House of Representatives, and was then signed by the President of the Council.

The Council resumed the consideration of Bill No. 58, H. R. file, 'An Act to provide for the appointment of Justices of the Peace,' &c. in committee of the whole, Mr. Inghram in the chair. The chairman reported the bill to the Council with amendments, which were all concurred in, except the insertion of the words "Sheriff or," before the word "Constable," wherever they occur in the bill, which was disagreed to by the Council.

Mr. Whittlesey then moved to amend the 14th section of the 11th article, by striking out from the second paragraph, the words, "the commencement of this suit," and insert, "Summons being served upon you as garnishee," which was agreed to.

Mr. Parker then moved to amend the 28th section of the 12th article, by striking out the word "summons" wherever it occurs in said section, and insert the word "subpœna," which was agreed to.

Mr. Payne moved that the rule requiring the second and third reading of bills on two several days, be suspended, which was agreed to, and the bill was read a third time, and passed, and the title of said bill agreed to.

The President submitted the following communication from the Governor.

EXECUTIVE DEPARTMENT, (I. T.,) Jan. 8, 1839.  
*To the Council of the Legislative Assembly.*

GENTLEMEN—

I have examined the Bill submitted for my consideration, entitled "An Act to incorporate the City of Du Buque," and find in it the following provisions, to wit:

4th Section, "That the Mayor of said city shall be elected by the qualified voters thereof, on the first Monday of March, biennially, and shall hold his office for the term of two years, and until his successor shall be chosen and qualified. And previous to his entering on the duties of his office as Mayor, shall be commissioned by the Governor, as a justice of the peace," and in defining his powers, it is declared in said section, "That he shall in his judicial capacity, have exclusive original jurisdiction of all cases for the violation of the ordinances of said city, and criminal jurisdiction in all cases where, by the laws of the Territory, justices of the peace, within the county of Du Buque, are, or shall be, authorized to hear and determine, or in any manner have power to act, and for the due and efficient exercise of the power herein and hereby vested in him, he shall have power, and it shall be lawful for him to award all such process, and issue all



such writs as may be necessary to enforce the administration of right and justice throughout said city, and for the lawful exercise of his jurisdiction agreeably to the usages and principles of law." After defining the jurisdiction of the Mayor in certain cases, and pointing out the mode of appeals to the District Court, the section proceeds, "And the said District Court of the county of Du Buque is hereby authorized, empowered, and directed, to take cognizance of, and hear and determine all such cases as shall be brought before them by appeal, as aforesaid, and to assess such fine, and pass such judgment against the defendant or defendants as shall be provided by ordinance of said city. The Mayor shall, moreover, have power to take and certify the acknowledgments of all deeds for the conveyance or incumbrance of real or personal estate, situated in the Territory of Iowa. And it shall be lawful for him to order any person or persons, brought before him charged with the commission of any criminal offence, in any State or Territory of the United States, upon proof by him adjudged sufficient, to direct such accused person or persons to be delivered to the Governor of this Territory (or State, as the case may be) who shall cause such person or persons to be conveyed to the proper jurisdiction for trial.

I will make no comments on the foregoing, further than to call your attention to the subjoined extracts from the organic law, relative to the judicial powers of the Territory, the appointment of justices of the peace, and other officers, and the act of Congress relative to fugitives from justice, and solicit a careful examination and comparison of them; and will ask the Council, whether, after such examination and comparison, they can, by any rules of construction, be reconciled.

The 7th section of the Organic Law declares, that "the Governor shall nominate, and by and with the advice and consent of the Legislative Council, shall appoint, all judicial officers, justices of the peace, sheriffs, and all militia officers, except those of the staff, and all civil officers not herein provided for."

The 9th section of the Organic Law declares, that "the judicial power of said Territory shall be vested in a Supreme Court, District Courts, Probate Courts, and in Justices of the Peace." Here ends the judicial power of the Territory.

The 1st section of the act of Congress, relative to fugitives from justice, declares, "that whenever the Executive authority of any state in the Union, or of either of the Territories northwest or south of the river Ohio, shall demand any person, as a fugitive from justice, of the Executive authority of any such state or Territory to which such person shall have fled, and should moreover produce the copy of an indictment found, or an affidavit made before a magistrate of any State or Territory, as aforesaid, charging the person so demanded with having committed treason, felony, or other crime, certified as authentic by the Governor or Chief Magistrate of the State or Territory from whence the person so charged fled, it shall be the duty of the Execu-



tive authority, of the State or Territory to which the person so charged fled, to cause him or her to be arrested, and secured, and notice of the arrest given to the Executive authority making such demand, or to the agent of such authority appointed to receive the fugitive, and to cause the fugitive to be delivered to such agent when he shall appear; but if no such agent shall appear within six months from the time of the arrest, the prisoner may be discharged. And all costs or expenses incurred in the apprehending, securing and transmitting such fugitive to the State or Territory making such demand, shall be paid by such State or Territory."

The act of Congress of the 12th February, 1793, must control all proceedings relative to persons charged with criminal offences in any State or Territory, that may have fled to any other State or Territory within the United States.

I will, therefore, in conclusion, solicit the Council to examine the provisions of the bill herewith returned, as above alluded to; and will ask the question, can the manner pointed out in the bill for electing the Mayor, and requiring him to be commissioned by the Governor as a Justice of the Peace, and the judicial powers attempted to be conferred upon him in the bill, be reconciled by comparison with the foregoing extracts from the Organic Law? Can the powers attempted to be conferred upon the Mayor relative to persons charged with criminal offences in other States or Territories, be, on comparison, reconciled with the foregoing extract from the act of Congress? I think not.

Respectfully, your obt. servant,  
ROBERT LUCAS.

Mr. Hempstead offered the following:

Resolved, That a standing committee on *Veto*es be appointed, to consist of three members of the Council.

Mr. Payne asked for a call of the House, which was granted, and absent members sent for; after some debate,

Mr. Hempstead asked leave to withdraw the resolution, which was granted, and the resolution was withdrawn.

Mr. Inghram then moved to lay the communication of the Governor on the table; which was agreed to.

Bill No. 45, Council file, A bill to define the boundaries of Des Moines county, was read a second time and considered in committee of the whole, Mr. Swazy in the chair. The chairman reported progress, and asked leave to sit again this afternoon; which was granted.

On motion of Mr. Whittlesey,

The Council adjourned until 2 o'clock, P. M.



2 O'CLOCK, P. M.

On motion of Mr. Hughes,

A call of the House was had, and absent members sent for.

The Council then resumed the consideration of Bill No. 45, Council file, 'A Bill to define the boundaries of Des Moines county.'

The committee rose, and, by their chairman, reported the bill to the Council with amendments. And on the question, "Will the Council concur in the amendments of the committee?" the yeas and nays being required on the first amendment, to wit: Strike out in the fifth line the words "five" and "six," and insert "four" and "five," are as follow:

Yeas—Messrs. Clark, Hughes, Keith, Lewis, Payne, Swazy, and Mr. President—7.

Nays—Messrs. Hempstead, Hepner, Inghram, Parker, Ralston, and Whittlesey—6.

So said amendment was concurred in, and the other amendments generally were concurred in, and

On motion of Mr. Hepner,

Said bill was laid upon the table.

Bill No. 47, Council file, 'A Bill concerning the construction of Statutes,' &c., was read a second time, and considered in committee of the whole, Mr. Payne in the chair. The chairman reported the bill to the House without amendment, which report was concurred in; and,

On motion of Mr. Parker,

The rule requiring bills to be engrossed, also the rule requiring bills to be read a second and third time on two several days, were suspended, and the bill was read a third time, and passed, and the title agreed to.

The following message from the H. of R. by Mr. Fales, their Chief Clerk:

MR. PRESIDENT—

The House of Representatives have passed the following entitled acts, viz:

No. 64, An Act to prescribe the mode of proving, in courts of this Territory, judgments rendered by justices of the peace, in the several States.

No. 92, An Act to establish certain Territorial roads.

No. 125, An Act relative to proceedings in Chancery.

In all of which the concurrence of the Council is requested.

I also present for your signature, 'An Act to authorize Benjamin Nye to build a dam across Pine River.

An Act to establish the boundaries of Louisa county, and to locate the seat of justice of said county, and for other purposes. Also,

A joint resolution, requesting the Secretary of the Territory to in-



form the Legislative Assembly of all bills filed in his office which have been approved by the Executive.

Which were severally signed.

The House have also passed the following entitled acts, viz:

No. 89, An Act to allow and regulate the action of waste.

No. 90, An Act to provide for the burial of dead bodies found on board of vessels.

No. 93, An Act to define the boundaries of Clinton and Scott counties, and for other purposes.

No. 96, An Act to authorize Henry Eno & Co. to erect a dam across the Des Moines river.

No. 106, An Act to incorporate the Burlington Steam Mill Company.

No. 108, An Act to incorporate the Des Moines Mill Company, and for other purposes.

No. 110, An Act to authorize John Gaines, Otis Reynolds, & Co. to keep a ferry across the Mississippi river, &c.

No. 117, An Act to authorize an interchange of Statutes laws of the Territory, &c.

In all of which the concurrence of the Council is requested.

On motion of Mr. Clark,

Bill No. 95, H. R. file, 'An Act to provide for the appointment and duties of Sheriffs,' was taken up and read a first and second time, and considered in committee of the whole, Mr. Clark in the chair. The chairman reported the bill to the House with sundry amendments, which were all concurred in, except the amendment striking out the 18th section, which was not concurred in.

Mr. Parker then moved to amend the 9th section of said bill, as follows: Strike out the word "first," and insert "April," in the 3d line of said section, which was agreed to, and the bill, as amended, ordered to a third reading.

On motion of Mr. Clark,

The rule requiring bills to be read a second and third time on two several days, was suspended, and the bill was read a third time, and passed, and the title agreed to.

On motion of Mr. Payne,

The Council adjourned until 7 o'clock this evening.

#### 7 O'CLOCK, P. M.

Bill No. 105, H. R. file, 'An Act to authorize a special term of the District Court in Muscatine county,' was taken up and read a first and second time, and,

On motion of Mr. Clark,

The rule requiring bills to be considered in committee of the whole, also, the rule requiring bills to be read a second and third time, on



two several days, were suspended, and the bill was read a third time by its title, and passed, and the title agreed to.

Bill No. 29, Council file, 'A Bill defining crimes and punishments,' being under consideration, as amended by the Judiciary committee, was read twice by its title, and considered in committee of the whole, Mr. Payne in the chair. The chairman reported the bill to the House with amendments, which were concurred in; and,

On motion of Mr. Hempstead,

The rule requiring bills to be engrossed, also, the rule prohibiting the second and third reading of a bill upon the same day, were suspended, and the bill was read a third time and passed, and the title agreed to.

Bill No. 41, H. R. file, 'An Act subjecting real and personal estate to execution,' was read a first and second time, and under consideration as amended by the Judiciary committee, and considered in committee of the whole, Mr. Hempstead in the chair. The chairman reported the bill to the House with amendments, which were concurred in.

Mr. Lewis moved to amend the first line of the 6th section by striking out the word "execution," which was agreed to.

Mr. Whittlesey moved to amend the 9th section of said bill by striking out "three" after the word summons, and insert "six," which was agreed to.

Mr. Hepner moved further to amend said bill, in the 12th section, by striking out the proviso, and during the pendency of the question.

On motion of Mr. Payne,

The Council adjourned.

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### Saturday Morning, Jan. 12, 1839.

Mr. Hempstead offered the following:

Resolved, That the committee on Territorial Affairs, be, and are hereby instructed to report, as soon as practicable, upon the resolutions inquiring into the expediency of memorializing Congress to amend the organic law, so as to allow the people of this Territory to elect their Governor and other officers, named in said resolution.

Which was adopted.

Mr. Parker, from the joint committee upon enrolments, report, that they did, on this day, lay before the Governor for his approval,

An act to incorporate the Bloomington and Cedar river Canal Company.

An act to establish the boundaries of Louisa county, and to locate the seat of justice of the said county, and for other purposes.



An act to authorize Benjamin Nye to build a dam across Pine river; and,

An act to establish the boundaries of Lee county; also,

A joint resolution allowing pay to the joint committee who investigated the affairs of the Miners' Bank of Du Buque; also,

A preamble and resolution, asking Congress for an appropriation for the survey of all the unsurveyed lands in the Territory of Iowa, to which the Indian title has been extinguished.

Mr. Lewis, from the joint committee on enrolments, reported, An act to provide for changing the venue in civil and criminal cases, Council file No. 35, correctly enrolled.

The following message from the House of Representatives, by Mr. Fales their Chief Clerk:

"MR. PRESIDENT—

The House of Representatives have passed the following entitled act:

No. 44, Council file, An act to incorporate the Plymouth Mill and Manufacturing company.

Also, bills of the House as follow:

No. 69, An act regulating the publication of the laws, &c.

No. 114, An act to authorize James Leonard & Co. to keep a ferry at the town of Charleston.

No. 129, An act to authorize F. P. Blevings to keep a ferry, &c.

No. 133, An act to district the Territory of Iowa into electoral districts, and to apportion the members of the House of Representatives.

The House have also concurred in amendments made by Council to No. 105, H. R. file,

An act to authorize a special term of the District court in the county of Muscatine, &c.

The House have also concurred in all amendments made to bill No. 83, An act concerning costs and fees, except the following, to which they have disagreed:

'Sheriff's mileage and percentage; Constable's mileage; Witnesses fees, and Petit Jurors' fees.'

The House have also passed the following entitled act:

No. 124, An act to authorize Hiram C. Smith & Co. to erect a dam across Skunk river; also,

A preamble and joint resolution, relative to the Judges of the Supreme Court.

I also present for your signature:

An act authorizing a special term of the District court in Muscatine county."

Which was then signed by the President of the Council.

Bill No. 41, H. R. file, An act subjecting real and personal estate to execution, being under consideration, the motion of Mr. Hepner, to amend the 12th section by striking out the proviso thereto, was,

On motion of Mr. Whittlesey,



Amended so as to strike out the whole section. On which question the yeas and nays are as follow:

Yeas—Messrs. Clark, Hepner, Hughes, Inghram, Keith, Parker, Payne, Ralston, Swazy, and Whittlesey—10.

Nays—Messrs. Hempstead, Lewis, and Mr. President—3.

So the section was stricken out; and

On motion of Mr. Whittlesey,

The bill was referred to a select committee.

The chair announced Messrs. Whittlesey, Hempstead, and Clark, said committee.

Bill No. 108, H. R. file, An act to incorporate the Des Moines Mill company, and for other purposes, was taken up, on motion of Mr. Swazy, and read a first and second time and considered in committee of the whole, Mr. Hepner in the chair. The chairman reported the bill to the House with sundry amendments, which were concurred in, and

On motion of Mr. Swazy,

The rule requiring bills to be read a second and third time on two several days, was suspended, and the bill read a third time, and passed, and the title agreed to.

Bill No. 89, H. R. file, An act relative to wills and testaments, executors, and administrators, &c. was read a first and second time, and considered in committee of the whole, Mr. Parker in the chair. The chairman reported the bill to the Council and asked to be discharged from the further consideration of the same; which was granted.

On motion of Mr. Lewis,

The bill was referred to the judiciary committee.

On motion of Mr. Lewis,

The Council adjourned until 2 o'clock, P. M.

## 2 O'CLOCK, P. M.

Bill No. 78, H. R. file, An act for the establishing of Courts of Probate, was read a first and second time, and considered in committee of the whole, Mr. Clark in the chair. The chairman reported the bill to the Council with amendments, which were concurred in, and

On motion of Mr. Parker,

The bill was amended by adding the following as an additional section, viz:

"Section 7. That until proper seals are provided by the commissioners, a temporary seal may be used as a seal of said court." And

On motion of Mr. Hempstead,

The rule requiring bills to be read the second and third time on two several days, was suspended, and the bill was read a third time and passed, and the title of said bill agreed to.

On motion of Mr. Swazy,

Bill No. 96, H. R. file, An act to authorize Henry Eno & Co. to



erect a dam across the Des Moines river, was taken up and read a first and second time, and considered in committee of the whole, Mr. Swazy in the chair.

After some time, the committee rose, and by their chairman reported the bill to the Council, and asked to be discharged from the further consideration of said bill; which was granted.

A memorial (of House of Representatives) to the Congress of the United States, upon the subject of an appropriation for the survey of Skunk river, was read and concurred in.

A memorial (of the H. of R.) to the Congress of the United States, asking an appropriation to construct a rail road from Rockingham, &c. was read, and

On motion of Mr. Parker,  
Was indefinitely postponed.

Bill No. 102, H. R. file, An act confirming grants of property made for the encouragement of education, and for other purposes, was read a first and second time, and considered in committee of the whole, Mr. Whittlesey in the chair. The chairman reported the bill without amendment, which report was concurred in, and

On motion of Mr. Whittlesey,  
The rule requiring bills to be read a second and third time on two several days, was suspended, and the bill read a third time and passed, and the title agreed to.

On motion of Mr. Swazy,  
Bill No. 96, H. R. file, An act to authorize Henry Eno and others to erect a dam across the Des Moines river, was again considered in committee of the whole, Mr. Lewis in the chair. The chairman reported the bill with amendments, which were concurred in, and

On motion of Mr. Swazy,  
The rule prohibiting bills to be read a second and third time on the same day, was suspended, and the bill was read a third time, and passed, and the title agreed to.

A resolution (of the H. of R.) instructing the Secretary of the Territory to copy and forward memorials, was read and concurred in.

Resolutions (of the H. of R.) upon the subject of education, was read, and

On motion of Mr. Swazy,  
Laid on the table.

On motion of Mr. Clark,  
The Council adjourned until Monday next, 10 o'clock, A. M.



## Monday Morning, Jan. 14, 1839.

On motion of Mr. Clark,

Mr. Parker was added to the committee on Territorial Affairs.

Mr. Lewis, on previous leave, introduced 'A Bill, No. 48, Council file, to establish the boundary lines of the counties of Du Buque, Clayton, Fayette, Delaware, and Buchanan, and for other purposes,' which was read and ordered to be printed.

Bill, No. 109, H. R. file, 'An Act to organize the county of Linn and to establish the seat of justice thereof,' was read a first and second time, and considered in committee of the whole, Mr. Hepner in the chair. The chairman reported the bill to the House without amendment, which report was concurred in, and,

On motion of Mr. Whittlesey,

The rule prohibiting bills to be read a second and third time on the same day, was suspended, and the bill was read a third time, and passed, and the title agreed to.

Bill, No. 23, H. R. file, 'An Act to divide the county of Henry, and establish the county of Jefferson,' was read a first and second time, and considered in committee of the whole, Mr. Lewis in the chair. The chairman reported the bill to the House with amendments, which were concurred in, and the bill ordered to a third reading; and,

On motion of Mr. Payne,

The rule prohibiting bills to be read a second and third time on the same day, was suspended, and the bill read a third time, and passed, and the title agreed to.

Bill, No. 80, H. R. file, 'An Act to provide for the appointment of District Prosecutors, and defining their duties,' was read a first and second time, and considered in committee of the whole, Mr. Hempstead in the chair. The chairman reported the bill to the House without amendment, which report was concurred in; and,

On motion of Mr. Lewis,

The first section of said bill was amended in second line, (printed bill) by inserting after the word "appointed," the following: "by the Governor, by and with the advice and consent of the Council," and in the third and fourth lines, strike out the following: "be chosen by joint ballot of the Council and House of Representatives, and shall," also, at the end of said section strike out the word "election," and insert "appointment."

Mr. Parker moved further to amend said section, by inserting after the word "years" in fourth line, "unless sooner removed," which amendments were agreed to; and,



On motion of Mr. Hempstead,

The rule requiring bills to be read a second and third time on two several days, was suspended, and the bill, as amended, read a third time, and passed, and the title agreed to.

Bill, No. 97, H. R. file, 'An Act to regulate Blacks and Mulattoes, and to punish the kidnapping of such persons,' was read a first and second time, and considered in committee of the whole, Mr. Clark in the chair. The chairman reported the bill to the House with amendments, which were concurred in.

Mr. Whittlesey then moved to postpone said bill indefinitely.

Mr. Hepner moved to amend the motion, by referring said bill to the committee on Territorial Affairs, which was accepted, and agreed to.

Bill, No. 99, H. R. file, 'An Act providing for and regulating general elections, in this Territory,' was read a first and second time, and considered in committee of the whole, Mr. Whittlesey in the chair.

The committee rose, and by their chairman, asked to be discharged from the further consideration of said bill, which was granted, and

On motion of Mr. Parker,

The bill was referred to the Judiciary committee, with instructions to report on to-morrow.

Mr. Hepner offered the following:

Resolved, That it be made the duty of the Secretary of the Council to inform his Excellency Governor Lucas, of all nominations confirmed by the Council.

On motion of Mr. Parker,

The vote adopting said resolution was re-considered, and,

On motion of Mr. Parker,

Was amended, by inserting, after the word "confirmed," the following: "and all nominations rejected or otherwise disposed of," which was agreed to, and the resolution, as amended, was adopted.

On motion of Mr. Hepner,

The Council adjourned until 2 o'clock, P. M.

2 O'CLOCK, P. M.

Bill No. 111, H. R. file, 'An Act for the improvement of the breed of Horses.' And,

Bill No. 113, H. R. file, "An Act to provide for the collection of demands growing out of contracts for sales of improvements on public lands," were taken up and severally read a first and second time, and considered in committee of the whole, Mr. Inghram in the chair.

The committee rose, and by their chairman, reported said bills to the House with amendments to No. 111, and No. 113 without amendment, which report was concurred in, and the said bill, No. 111, was ordered to a third reading.



Mr. Whittlesey moved to postpone, indefinitely, bill No. 113, which was lost, and the bill was ordered to a third reading.

Mr. Clark then moved, that the rule requiring bills to be read a second and third time on two several days, be suspended, which was granted, and said bills were read a third time, and passed, and the titles of said bills agreed to.

Bill No. 92, H. R. file, 'An Act establishing certain Territorial roads,' was read a first and second time, and considered in committee of the whole, Mr. Parker in the chair. The chairman reported the bill to the House, and asked to be discharged from the further consideration of said bill, which was granted; and,

On motion of Hempstead,

Said bill was referred to the committee on roads.

On motion of Mr. Clark,

Mr. Whittlesey was added to the committee on roads.

On motion of Mr. Inghram,

Mr. Parker and Mr. Hepner were added to the committee on roads.

Bill No. 126, H. R. file, 'An Act to re-locate the county seat of Lee county,' was read a first and second time, and,

On motion of Mr. Hempstead,

The bill was referred to a select committee, to consist of one member from each electoral district, with instructions to enquire how many persons who signed the first petition, have signed the second petition, and said committee to have power to send for persons and papers, which was agreed to.

The chair appointed Messrs. Hempstead, Clark, Hepner, Hughes, Parker, Swazy, and Whittlesey, said committee.

Bill No. 36, H. R. file, 'An Act fixing the terms of the Supreme and District Courts of the Territory of Iowa,' being under consideration, with amendments made by the House of Representatives, to amendments made by the Council, which amendments of the House were,

On motion of Mr. Hempstead,

Severally concurred in.

Bill, No. 64, H. R. file, 'An Act to prescribe the mode of proving in courts of this Territory, judgments rendered by justices of the peace in the several States,' was read a first and second time, and considered in committee of the whole, Mr. Keith in the chair. The chairman reported the bill to the House without amendment, which was concurred in, and the bill ordered to a third reading; and,

On motion of Mr. Clark,

The rule requiring bills to be read a second and third time on two several days, was suspended, and the bill was read a third time, and passed, and the title agreed to.

Bill, No. 93, H. R. file, 'An Act to define the boundaries of the counties of Clinton and Scott, and for other purposes,' was taken up and read.



Mr. Clark then moved to postpone said bill indefinitely.

Mr. Lewis moved to amend the motion by referring said bill to a select committee, which was accepted, and agreed to.

The chair announced Messrs. Lewis, Clark, Inghram, Keith, Parker, Payne, and Whittlesey, said committee.

Mr. Hempstead obtained leave to bring in on to-morrow,

A Bill to make valid a conveyance executed by Si-si-sa-man, a minor.

The chair appointed Messrs. Hempstead, Clark, and Whittlesey a committee to prepare the same.

The following message from the H. of R. by Mr. Fales, their Chief Clerk:

MR. PRESIDENT—

The House of Representatives have passed bills of the Council as follows, without amendment:

No. 30, An Act to regulate the mode of petitioning the Legislature in certain cases.

No. 41, An Act regulating practice in the district courts of this Territory.

No. 47, An Act concerning the construction of statutes. Also bills of the House as follow:

No. 76, An Act to incorporate the town of Bloomington.

No. 91, An Act to prevent imposition by way of Lottery.

No. 100, An Act regulating Mills and Millers, and for other purposes.

No. 103, An Act to provide for the appointment of a Territorial Treasurer, &c.

No. 112, An Act to preserve good order in all worshipping congregations.

No. 116, An Act for the benefit of Des Moines county.

No. 118, An Act concerning bills of exchange.

No. 119, An Act to provide for the regulation of Turnpike companies.

No. 120, An Act to locate a Territorial road from the town of Du Buque to Keosauqua, in Van Buren county.

No. 121, An Act to organize the county of Jones, and to establish the seat of justice thereof.

No. 122, An Act to incorporate the Burlington and Iowa River Turnpike Company.

No. 126, An Act to re-locate the county seat of Lee county.

No. 130, An Act to provide for the collection of taxes off the half-breed lands in Lee county.

In all of which the concurrence of the Council is requested.

The House have concurred in all the amendments made by the Council to bill

No. 58, H. R. file, An Act concerning justices of the peace, &c. Also,

No. 36, H. R. file, An Act fixing the terms of the Supreme and



District Courts, by adding two amendments, in which the concurrence of the Council is requested.

On motion of Mr. Lewis,  
The Council adjourned.

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### Tuesday Morning, Jan. 15, 1839.

Mr. Hempstead presented the petition of Nancy R. Perkins, praying to be divorced from her husband John H. Perkins; which was read.

Mr. Hempstead then moved to refer said petition to the judiciary committee.

Mr. Clark moved to amend by referring the petition to the committee on roads.

Mr. Whittlesey moved further to amend by laying the same on the table; on which question the yeas and nays are as follow:

Yeas—Messrs. Clark, Hughes, Inghram, Parker, Payne, and Whittlesey—6.

Nays—Messrs. Hempstead, Hepner, Keith, Lewis, Ralston, Swazy, and Mr. President—7.

So the amendment was lost.

The question then recurred upon the amendment of Mr. Clark, to refer the petition to the committee on roads, which was not agreed to; and on the original motion of Mr. Hempstead to refer the same to the judiciary committee, the yeas and nays are as follow:

Yeas—Messrs. Hempstead, Hepner, Lewis, Ralston, Swazy, and Mr. President—6.

Nays—Messrs. Clark, Hughes, Inghram, Keith, Parker, Payne, and Whittlesey—7.

So the motion was lost.

Mr. Payne then moved that the petition be laid upon the table; on which question the yeas and nays are as follow:

Yeas—Messrs. Clark, Hughes, Inghram, Keith, Parker, Payne, and Whittlesey—7.

Nays—Messrs. Hempstead, Hepner, Lewis, Ralston, Swazy, and Mr. President—6.

So the petition was laid upon the table.

Mr. Hempstead, from the judiciary committee, to whom was referred Bill No. 75, H. R. file,

An act concerning water crafts, &c.

Reported the same back to the Council without amendment, which report was concurred in, and the bill read a third time and passed, and title agreed to.



Mr. Lewis, from the committee on Territorial affairs, to whom was referred An act (No. 97, H. R. file,) to regulate Blacks and Mulattoes, &c. reported the same back to the House without amendment, which report was concurred in, and the bill read a third time, and on the question, "shall the bill pass?" the yeas and nays are as follow:

Yeas—Messrs. Hempstead, Hepner, Hughes, Inghram, Keith, Lewis, Payne, Swazy, and Mr. President—9.

Nays—Messrs. Clark, Parker, and Ralston—3.

So the bill passed.

Mr. Hempstead then moved to amend the title of said bill, by striking out the following, "and to punish the kidnapping such persons," which was agreed to, and the title, as amended, agreed to.

The following message from the House of Representatives, by Mr. Fales their Chief Clerk:

"MR. PRESIDENT—

The House of Representatives have passed bills of the following titles:

No. 98, An act for assessing and collecting county revenue.

No. 101, An act concerning amendments and jeofails.

No. 131, An act concerning vagrants.

No. 135, An act providing for the relief of the sheriffs of Lee and Scott counties.

A memorial to the Congress of the United States, on the subject of settlements on the school lands; also,

A joint resolution on the subject of raising the per diem allowance of the members of the Legislative Assembly,

In all of which the concurrence of the Council is requested.

I also present for your signature:

An act to provide for changing the venue in civil and criminal cases,

The same having been signed by the Speaker of the House of Representatives.

I am instructed also to inform the Council that the amendments of that body, made to bills, H. R. file, Nos. 23, 78, 80, and 96, have been concurred in by the House."

The President of the Council then signed the act as above presented.

Mr. Hempstead, on previous leave introduced A Bill (No. 49, Council file) to make valid a conveyance executed by Sisisaman, a minor; which was read and ordered to be printed.

Bill No. 48, Council file, An act to establish the boundary lines of the counties of Du Buque, Clayton, &c. was taken up and read a second time, and considered in committee of the whole, Mr. Payne in the chair. The chairman reported the same with amendments, which were concurred in by the Council, and

On motion of Mr. Lewis,

The rule requiring bills to be engrossed, and read a second and



third time on two several days, were suspended, and the bill was read a third time, and passed, and the title agreed to.

Bill No. 125, H. R. file, An act relative to proceedings in chancery, was read a first and second time, and considered in committee of the whole, Mr. Inghram in the chair. The chairman reported the bill with amendments, in which the Council concurred, and ordered the bill to a third reading.

On motion of Mr. Hempstead,

The rule prohibiting bills to be read a second and third time on the same day, was suspended, and the bill was read a third time, and passed, and the title agreed to.

On motion of Mr. Payne,

The Council adjourned until 2 o'clock, P. M.

### 2 O'CLOCK, P. M.

Bill No. 89, H. R. file, An act to allow and regulate the action of waste, was read a first and second time, and considered in committee of the whole, Mr. Clark in the chair. The chairman reported the bill to the House without amendment, which report was concurred in, and the bill ordered to a third reading, and

On motion of Mr. Clark,

The rule prohibiting bills to be read a second and third time on the same day, was suspended, and the bill read a third time, and passed, and the title agreed to.

The following message from the H. of R. by Mr. Fales, their Chief Clerk:

"MR. PRESIDENT—

I am directed to inform the Council that the House of Representatives have passed a bill of the Council as follows, without amendment:

No. 46, An act to authorize David W. Kilbourne to keep a ferry at Montrose; and

No. 34, An act to incorporate the Iowa Mutual Fire Insurance Company, with an amendment.

The House have concurred in the amendment made by Council to bill,

No. 95, An act for the appointment and duties of sheriffs, in the 9th section, and have disagreed to the amendment to 14th section.

I also present for your signature,

A joint resolution requesting the Secretary of the Territory to forward to Washington sundry memorials adopted by the Legislative Assembly.

Also, acts of the following titles:

An act confirming grants of property for the encouragement of education, &c.

An act to incorporate the Des Moines Mill company.

An act to organize the county of Linn, &c.



An act for the appointment of District Prosecutors, &c.

An act to provide for the collection of demands growing out of contracts for sales of improvements on public lands.

An act to prescribe the mode of proving, in courts of this Territory, judgments rendered by justices of the peace in the several states.

All of which were then signed by the President of the Council.

Bill No. 95, H. R. file, An act to provide for the appointment and duties of sheriffs, being returned from the H. of R. with their disagreement to amendment made by the Council to the 14th section of said bill,

On motion of Mr. Clark,

The Council receded from their said amendment.

Bill No. 90, H. R. file, An act to provide for the burial of dead bodies found on board of vessels, was read, and

On motion of Mr. Hempstead, rejected.

Bill No. 106, H. R. file, An act to incorporate the Burlington Steam Mill Company, was read a first and second time, and considered in committee of the whole, Mr. Hempstead in the chair. The chairman reported the bill to the House without amendment, which report was concurred in, and the bill ordered to a third reading, and

On motion of Mr. Hempstead,

The rule prohibiting bills to be read a second and third time on the same day, was suspended, and the bill was read a third time, and passed, and the title agreed to.

Bill No. 110, H. R. file, An act to authorize John Gaines and others to keep a ferry, &c. was read a first and second time and considered in committee of the whole, Mr. Whittlesey in the chair. The chairman reported the bill to the House with an amendment, which was concurred in, and the bill ordered to a third reading, and

On motion of Mr. Parker,

The rule prohibiting bills from being read a second third time on the same day, was suspended, and the bill was read a third time and passed, and the title agreed to.

Bill No. 117, H. R. file, An act to authorize an interchange of statute laws, &c., was read, and

On motion of Mr. Clark,

Was indefinitely postponed.

Bill No. 66, H. R. file, An act to establish the several seminaries herein named, was read a first and second time, and considered in committee of the whole, Mr. Parker in the chair. The chairman reported the bill to the House with sundry amendments, which were concurred in.

Mr. Parker then moved to amend said bill by adding an additional section, (Sec. 12,) which was adopted, and the bill, as amended, ordered to a third reading, and

On motion of Mr. Lewis,

The rule prohibiting bills from being read a second and third time



on the same day, was suspended, and the bill read a third time and passed, and title agreed to.

Bill No. 128, H. R. file, An act to provide for the compensation of sheriffs of the different counties, &c., was read a first and second time, and considered in committee of the whole, Mr. Whittlesey in the chair. The chairman reported the bill to the House without amendment, which report was concurred in, and the bill ordered to a third reading, and

On motion of Mr. Clark,

The rule prohibiting bills to be read a second and third time on the same day, was suspended, and the bill read a third time and passed, and

On motion of Mr. Lewis,

The title was amended by adding the words "and posting up notices;" the title, as amended, was agreed to.

Bill No. 69, H. R. file, An act regulating the publication and distribution of the Laws and Journals, &c., was read a first and second time, and considered in committee of the whole, Mr. Swazy in the chair. The chairman reported the bill without amendment, which report was concurred in, and

On motion of Mr. Hempstead,

The bill was referred to the Judiciary committee.

Bill No. 114, H. R. file, 'An Act to authorize James Leonard and others, to establish and keep a ferry,' &c., was read a first and second time, and considered in committee of the whole, Mr. Inghram in the chair. The chairman reported the bill with an amendment, which was concurred in by the Council, and the bill ordered to a third reading; and,

On motion of Mr. Hempstead,

The rule prohibiting bills from being read a second and third time on the same day, was suspended, and the bill read a third time, and passed, and title agreed to.

Bill No. 129, H. R. file, 'An Act to authorize F. P. Blevings to keep a ferry,' &c., was read a first and second time, and considered in committee of the whole, Mr. Payne in the chair. The chairman reported the bill to the House without amendment, which report was concurred in, and the bill ordered to a third reading; and,

On motion of Mr. Hempstead,

The rule prohibiting bills to be read a second and third time on the same day, was suspended, and the bill was read a third time, and passed, and the title agreed to.

Mr. Clark gave notice, that he would, on to-morrow, move to rescind the 14th standing rule of the Council.

On motion of Mr. Payne,

The Council adjourned.



Wednesday Morning, Jan. 16, 1839.

Mr. Hempstead presented the petition of sundry citizens of Fort Madison in Lee county, praying that a ferry charter may be granted to Joseph Webster. And,

On motion of Mr. Hempstead,

The Petition was referred to the committee on Incorporations.

Mr. Hempstead offered the following:

Resolved, That the Secretary of the Territory, is respectfully requested to inform the Council, whether Messrs. Reeves & Russell have filed their bond, in compliance with a resolution authorizing them to print the laws of this Territory, which was adopted.

Mr. Hempstead offered the following:

Resolved, That the committee on Judiciary be instructed to inquire into the expediency of so amending the act entitled 'An Act for the partition of the Half-breed Lands, and for other purposes,' approved Jan. 16, 1838, as to allow the commissioners appointed under said act to sit at the town of Fort Madison, in Lee county, to extend the time of allowing claimants to file their applications before said commissioners.

Mr. Payne moved to amend the resolution as follows:

"And that the Register of Deeds be and is hereby authorized, as soon as practicable, to transcribe and send all transcripts of papers belonging to, or in anywise connected with the said Half-breed lands, to the Register of Deeds, of the county of Lee."

Mr. Parker moved further to amend, as follows:

"And also to provide to whom the bonds required in said act to be given, shall be payable, by whom to be approved, and where to be filed." The resolution, as amended, was adopted.

Mr. Clark, on previous leave, offered the following:

Resolved, That the clause of the 14th standing rule, which provides that no bill shall have its second and third readings on the same day, without special order of the Council, 'be rescinded,' which was adopted. Also,

On motion of Mr. Clark,

Resolved, If the House of Representatives concur, That the 14th and 15th joint rules be rescinded, which was adopted.

On motion of Mr. Hempstead,

The act incorporating the city of Du Buque, and the objections of the Governor thereto, was taken from the table, and referred to the committee on Incorporations.



The following message from the H. of R. by Mr. Fales, their Chief Clerk:

MR. PRESIDENT—

I am directed to inform the Council that the H. of R. have passed a bill of the following title:

No. 127, 'An Act to provide for the admission of Attorneys and Counsellors at Law. Also,

A Memorial to the Congress of the U. S. for the benefit of the half breed tract of land in Lee county.

In all of which the concurrence of the Council is requested.

The House have concurred in all the amendments made by Council to bills Nos. 97, 111, 125, H. R. file.

The House have also adopted the following resolution:

Resolved, By the House of Representatives, That the Honorable the Council be invited to meet this House on Monday next, at 11 o'clock, A. M. for the purpose of going into joint ballot for the election of commissioners to locate the Seat of Government of Iowa.

On motion of Mr. Lewis,

The resolution of the House of Representatives, in relation to an increase of the "per diem allowance of members of the Legislative Assembly," was taken up and read; and,

On motion of Mr. Clark,

Was referred to the committee on Expenditures.

Bill No. 49, Council file, 'A Bill to make valid a conveyance executed by Si-si-sa-man, a minor,' was read a second time, and considered in committee of the whole, Mr. Lewis in the chair. The chairman reported the bill to the House without amendment, which report was concurred in, and on the question "shall the bill be engrossed and read a third time?" the yeas and nays are as follow:

Yeas—Messrs. Clark, Hempstead, Lewis, and Mr. President—4.

Nays—Messrs. Hepner, Hughes, Inghram, Keith, Payne, Ralston, Swazy, and Whittlesey—8.

So the question was determined in the negative.

Mr. Hempstead then moved that the rule requiring bills to be engrossed, be suspended, and the bill ordered to be read a third time, on to-morrow.

On which question the yeas and nays were called for.

Mr. Clark asked to be excused from voting any farther upon this bill, upon the ground that a vote to engross and read the bill a third time had been taken and decided in the negative, and that consequently no farther action can properly be had upon it until that vote be reconsidered.

Mr. Clark was excused.

And the yeas and nays upon Mr. Hempstead's motion are as follow:

Yeas—Messrs. Hempstead, Lewis, Parker, Swazy, and Mr. President—5.



Nays—Messrs. Hepner, Hughes, Inghram, Keith, Payne, Ralston, and Whittlesey—7.

So the motion was lost.

Mr. Payne then moved to reject the bill; on which question the yeas and nays are as follow:

Yeas—Messrs. Hepner, Hughes, Inghram, Keith, Payne, Ralston, and Whittlesey—7.

Nays—Messrs. Hempstead, Lewis, Parker, Swazy, and Mr. President—5.

So the bill was rejected.

Mr. Parker asked and obtained leave to introduce at this time,

A Bill, No. 50, Council file, entitled 'An Act in relation to bonds and other securities, which was read a first time; and,

On motion of Mr. Parker, the rule requiring bills to be printed, was suspended, and the bill read a second time, and considered in committee of the whole, Mr. Hempstead in the chair. The chairman reported the bill to the House without amendment, which report was concurred in, and the bill ordered to a third reading. The bill was read a third time, and passed, and the title agreed to.

No. 133, H. R. file, 'An Act to district the Territory of Iowa into electoral districts, and apportion the members of the House of Representatives in the same,' was read a first and second time, and considered in committee of the whole, Mr. Clark in the chair. The chairman reported the bill without amendment, which report was concurred in, and the bill ordered to a third reading. The bill was read a third time, and passed, and the title agreed to.

The preamble and resolution of the House of Representatives, relative to the drafting and presentation of bills to the Legislative Assembly by the Judges of the Supreme Court, was taken up, read and concurred in.

Bill, No. 83, H. R. file, 'An act concerning costs and fees,' being under consideration, as returned from the H. of R. with their disagreement to sundry amendments made by the Council to said bill.

On motion of Mr. Hempstead,

The Council *insist* upon their amendment in relation to "sheriffs' mileage," and recede from their amendment in relation to sheriffs' per centage.

On motion of Mr. Hepner,

The Council *insist* upon their amendment in relation to "constables' mileage."

On motion of Mr. Parker,

The Council *insist* on their amendment in relation to "witnesses' fees."

Mr. Clark moved that the Council recede from their amendment in relation to the "per diem pay of petit jurors."

Mr. Hempstead moved to amend by insisting on said amendment, and the motion, as amended, was agreed to.



On motion of Mr. Hempstead,

The Chair announced Messrs. Hempstead, Clark, and Hepner a committee of conference in relation to the disagreement of the two Houses on bill No. 83, H. R. file.

Mr. Parker, from the joint committee upon enrolments, report, That they did, on the 15th inst. lay before the Governor, for his approval, "An Act confirming grants of property made for the encouragement of education, and for other purposes."

An Act to provide for the collection of demands growing out of contracts for sales of improvements on public lands.

An Act to prescribe the mode of proving in courts of this Territory, judgments rendered by justices of the peace, in the several States."

An Act to incorporate the Des Moines Mill Company, and for other purposes.

An Act to provide for the appointment of District Prosecutors, and defining their duties. And,

An Act to organize the county of Linn, and to establish the seat of justice thereof. And on the 12th inst.,

An Act to authorize a special term of the District Court in Muscatine county.

And also, that they did, on the 15th inst., present to the Secretary of the Territory a joint resolution requesting the Secretary to forward the memorials of the Legislative Assembly to Congress.

On motion of Mr. Lewis,

The Council adjourned until 2 o'clock, P. M.

## 2 O'CLOCK, P. M.

Bill No. 124, H. R. file, 'An Act to authorize Hiram C. Smith & Co. to erect a dam across Skunk river,' was read a first and second time, and considered in committee of the whole, Mr. Payne in the chair. The chairman reported the bill to the House without amendment, which report was concurred in.

Mr. Lewis moved to amend said bill in the 1st section, by striking out the words "& Co."

Mr. Payne moved to amend the amendment, by inserting the words "and — Cordell," which was accepted, and the motion, as amended, agreed to.

The bill, as amended, was read a third time, and passed; and,

On motion of Mr. Payne,

The title was amended by striking out "& Co." and inserting "and — Cordell," which was agreed to, and the title agreed to as amended.

Bill No. 86, H. R. file, 'An Act fixing the time for the annual meeting of the Legislative Assembly,' was read a first and second time, and considered in committee of the whole, Mr. Clark in the chair. The chairman reported the bill with amendments.



Mr. Clark then moved to amend the amendment of the committee, by striking out the word "first," and insert "third," before the word November, which was lost—yeas 2, nays 11.

Yeas—Messrs. Clark and Hepner—2.

Nays—Messrs. Hempstead, Hughes, Inghram, Keith, Lewis, Parker, Payne, Ralston, Swazy, Whittlesey, and Mr. President.—11.

So the amendment was lost, and the amendments of the committee of the whole were then severally concurred in, and the bill read a third time, and passed, and title amended, by inserting "and place," between "time" and "for," and agreed to as amended.

The following message from the House of Representatives, by Mr. Fales, their Chief Clerk:

MR. PRESIDENT—

The House of Representatives have passed bill of the Council, No. 29, 'An Act defining crimes and punishments,' with amendments.

The House have also concurred in all the amendments made by Council to bills Nos. 64, 110, 114, 128, and 129, H. R. file.

The House have also passed the following entitled bills:

No. 132, An Act regulating inclosures,

No. 134, An Act regulating the action of replevin,

No. 137, An Act for the appointment of constables, and defining their duties,

No. 143, An Act to provide for the compensation of judges of probate,

No. 138, An Act to district the several counties in this Territory for the election of county commissioners.

In all of which the concurrence of the Council is requested.

I also herewith present, for your signature,

An Act for the establishing courts of probate,

An Act to authorize Henry Eno and others, to erect a dam across the Des Moines river; and

An Act for the improvement of the breed of horses; the same having been signed by the Speaker of the House of Representatives.

The same being then signed by the President of the Council.

Bill No. 34, Council file, 'An Act to incorporate the Iowa Mutual Fire Insurance Company,' being returned from the House of Representatives, with an amendment, which amendment was read, and,

On motion of Mr. Hempstead,

Concurred in.

Bill No. 29, Council file, 'An Act defining crimes and punishments,' being returned from the H. R. with amendments.

Said amendments being read and under consideration, the first amendment to the 19th section, and the amendment to the 29th were concurred in, and the 2d amendment to the 19th section, and the amendment to the 43d section were disagreed to.

Mr. Parker moved that a committee of conference be appointed on



the disagreeing vote of the two Houses, on said bill No. 29, Council file; and,

The chair announced Messrs. Parker, Whittlesey, and Clark, said committee; and,

On motion of Mr. Clark,

Mr. Hempstead was added to said committee.

No. 134, H. R. file, 'An Act regulating the action of replevin,' was read a first and second time and considered in committee of the whole, Mr. Swazy in the chair. The chairman reported the bill to the House with amendments which were concurred in, and the bill read a third time, and passed, and title agreed to.

Bill No. 132, H. R. file, 'An Act regulating inclosures,' was read a first and second time, and considered in committee of the whole, Mr. Inghram in the chair. The chairman reported the bill with an amendment, which was concurred in; and,

On motion of Mr. Payne,

The bill was laid upon the table until the 4th day of July next.

Bill No. 137, H. R. file, 'An Act for the election of Constables and defining their duties,' was read a first and second time, and considered in committee of the whole, Mr. Hepner in the chair. The chairman reported the bill with amendments, which were concurred in, and the bill read a third time and passed, and the title amended by striking out the word "appointment," and inserting the word "election," and the title, as amended, agreed to.'

No. 138, H. R. file, 'An Act to district the several counties,' &c., was read, and,

On motion of Mr. Payne, was rejected.

Bill No. 143, H. R. file, 'An Act to provide for the compensation of judges of probate,' was read a first and second time, and,

On motion of Mr. Parker,

The rule requiring bills to be considered in committee of the whole, was suspended.

On motion of Mr. Parker,

Said bill, No. 143, was referred to the Judiciary committee.

Bill No. 76, H. R. file, 'An Act to incorporate the town of Bloomington,' was taken up, and,

On motion of Mr. Parker,

The first reading of the bill was dispensed with, and the bill read a second time by its title, and considered in committee of the whole, Mr. Clark in the chair. The chairman reported the bill to the House with amendments, which were concurred in, and the bill read a third time, and passed, and title agreed to.

Mr. Parker asked and obtained leave to bring in, on some future day, 'A Bill to provide for arbitration and reference.'

The chair announced Messrs. Parker, Swazy, and Payne, a committee to prepare said bill.



On motion of Mr. Parker,  
The Council adjourned.

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Thursday Morning, Jan. 17, 1839.

Mr. Parker asked and obtained leave of absence for to-day for Mr. Wallace, Secretary of the Council.

Mr. Hempstead, from the select committee to whom was referred Bill No. 126, H. R. file, An act to re-locate the county seat of Lee county, made report, which was read, and thereupon,

Mr. Payne moved that the Council do not concur in the report of the committee, and called for the yeas and nays on the question, and previous to calling the names,

Mr. Inghram called for the reading of the petitions on which the report was founded; after some progress made therein,

Mr. Lewis moved that the further reading of said petitions be dispensed with; on which the yeas and nays were as follow:

Yeas—Messrs. Hempstead, Lewis, and Whittlesey—3.

Nays—Messrs. Clark, Hepner, Hughes, Keith, Ralston, Swazy, and Mr. President—7.

So the motion was lost.

Mr. Lewis then moved that the petitions and papers therewith connected, be referred to a select committee; which was not agreed to.

The reading of the petitions was then resumed and finished; whereupon,

The chairman of the select committee asked leave to withdraw the report; which was granted, and

On motion of Mr. Inghram,

The bill, together with the petitions and all papers relating thereto, were re-committed to the same committee, with instructions to report in favor of one of the parties petitioning; either to locate the county seat by commissioners, or by the voice of the people, at an election held for that purpose.

Mr. Hempstead asked to be discharged from the committee, owing to the numerous other duties he had to perform as chairman of the judiciary committee; he was excused, and

The president appointed Mr. Lewis chairman of said committee, in his stead.

Mr. Lewis, from the select committee, to whom was referred Bill No. 93, H. R. file, An act to define the boundaries of the counties of Clinton and Scott, and for other purposes, beg leave to report,

That they have examined all the petitions and remonstrances upon



this subject, and would recommend that the bill be indefinitely postponed;—which report was agreed to, ayes 11, nays 1, as follow:

Yeas—Clark, Hepner, Hughes, Inghram, Keith, Lewis, Parker, Ralston, Swazy, Whittlesey, and Mr. President—11.

Nays—Mr. Hempstead—1.

Mr. Whittlesey, from the select committee, to whom was referred bill No. 41, H. R. file, An act subjecting real and personal estate to execution, reported an amendment, (Sec. 12,) a substitute for the 12th sec. in the original bill; and on the question of concurring in the report of the committee, the yeas and nays were as follow:

Yeas—Messrs. Clark, Hepner, Hughes, Inghram, Keith, Parker, Payne, Ralston, Swazy, and Whittlesey—10.

Nays—Messrs. Hempstead, Lewis, and Mr. President—3.

So the report was concurred in.

Mr. Hempstead, from the judiciary committee, to whom was referred bill No. 99, H. R. file, An act providing for and regulating general elections in this Territory, reported the same to the Council with sundry amendments, which were concurred in.

Mr. Clark, from the committee on roads, to whom was referred bill No. 92, H. R. file, An act establishing certain Territorial roads, reported the bill with sundry amendments, which were concurred in.

Mr. Hempstead, from the judiciary committee, to whom was referred bill No. 69, H. R. file, An act regulating the publication and distribution of the laws, &c., reported the same back to the Council without amendment, which report was concurred in.

Mr. Hempstead, on previous leave, introduced a bill No. 51, Council file, An act to authorize Joseph Webster to keep a ferry across the Mississippi river at the town of Fort Madison; which was read.

On motion of Mr. Hempstead,

The Council adjourned until 2 o'clock, P. M.

2 O'CLOCK, P. M.

Bill No. 69, H. R. file, An act regulating the publication and distribution of the laws and journals of the Legislative Assembly of the Territory of Iowa, was taken up, read a third time, and passed, and title agreed to.

Bill No. 41, H. R. file, An act subjecting real and personal estate to execution, was taken up, read a third time, and passed, and title agreed to.

Bill No. 92, H. R. file, An act establishing certain Territorial roads, was read a first and second time, and considered in committee of the whole, Mr. Parker in the chair. The chairman reported the bill to the Council with sundry amendments, which were concurred in by the Council.

Mr. Parker moved to amend the 9th section of said bill, by striking



out the name "Ralph Letton," and insert the name of "Warren Stiles" in lieu thereof; agreed to.

Mr. Parker moved further to amend the bill by striking out the 10th section; which was agreed to, and the bill, as amended, was read a third time and passed, and the title agreed to.

Bill No. 99, H. R. file, An act providing for and regulating general elections in this Territory, was taken up, read a second time, and

On motion of Mr. Clark,

The 16th standing rule of the Council was suspended, and the bill read a third time and passed, and the title agreed to.

Mr. Parker moved that the Council re-consider their vote given yesterday, on bill No. 138, H. R. file, An act to district the several counties in this Territory for the election of County Commissioners, which was agreed to, and the said bill was read a second time, and considered in committee of the whole, Mr. Clark in the chair. The committee rose, and by their chairman reported the bill to the Council and asked to be discharged from the further consideration of the same, the Council granted their request, and

On motion of Mr. Swazy,

The bill was referred to the committee on Territorial Affairs.

Bill No. 91, H. R. file, An act to prevent imposition by way of lottery in this Territory, was read a first and second time, and considered in committee of the whole, Mr. Whittlesey in the chair. The chairman of the committee reported the bill to the Council with an amendment, which was concurred in, and

On motion of Mr. Lewis,

The bill was referred to the judiciary committee.

Bill No. 100, H. R. file, An act regulating mills and millers, and for other purposes, was taken up, and read a first and second time, and considered in committee of the whole, Mr. Payne in the chair. The committee rose, and by their chairman reported the bill to the Council, and asked to be discharged from the further consideration of the same, which request was granted, and

On motion of Mr. Clark,

The bill was referred to the judiciary committee.

The following message from the House of Representatives, by Mr. Fales their Chief Clerk:

"MR. PRESIDENT—

The House of Representatives have passed the following entitled bills:

No. 137, An act to provide for the erection of a Penitentiary, and establishing and regulating prison discipline for the same.

No. 139, An act to provide for the sale of the land on which the seat of justice for the county of Muscatine is located.

No. 144, An act for the relief of the sheriff of Cedar county; also,

A joint resolution requesting our Delegate in Congress to ask for a



donation of four sections of land, on which to locate the seat of government.

The House have also rescinded their resolution, adopted on yesterday, inviting the Council to meet the House, to go into joint ballot for the election of Commissioners for locating the Seat of Government, and have instructed me to invite the Council to meet the House, in the Hall of the House of Representatives, this evening at 7 o'clock, for that purpose.

On motion of Mr. Payne,  
The Council adjourned.

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### Friday Morning, Jan. 18, 1839.

Mr. Hempstead, from the Judiciary committee, to whom was referred Bill No. 100,

An Act concerning Mills and Millers, and for other purposes; reported the same to the Council with sundry amendments, which were concurred in.

Mr. Parker, from the committee on Enrolments, reported the following acts as correctly enrolled:

An Act to regulate the mode of petitioning the Legislature in certain cases.

An Act to incorporate the Plymouth Mill and Manufacturing Company.

An Act to authorize Robert Wilson, his heirs, and assigns, to erect a dam across Skunk River.

An Act to authorize the appointment of Public Administrators in the several counties of this Territory, and for other purposes; and,

An Act concerning insane persons.

Mr. Parker, from the joint committee on Enrolments, report, that they did, on the 17th inst. lay before the Governor, for his approval, the following acts, viz:

An Act to authorize Henry Eno, George W. Howe, Seth Richards, and their associates, to erect a dam across the Des Moines River.

An Act for the improvement of the breed of Horses; and,

An Act for establishing courts of probate.

Mr. Lewis, from the select committee to whom was referred

Bill No. 126, H. R. file, 'An Act to re-locate the county seat of Lee county,' reported the bill back to the Council with two amendments; and on the question of concurring in the 1st amendment of the committee, the yeas and nays were as follow:

Yeas—Messrs. Clark, Hempstead, Hepner, Hughes, Lewis, Parker, Ralston, Swazy, Whittlesey, and Mr. President—10.



Nays—Messrs. Inghram, Keith, and Payne—3.

So the first amendment was concurred in.

And on concurring in the 2d amendment of the committee, the yeas and nays were as follow:

Yeas—Messrs. Clark, Hepner, Hughes, Inghram, Keith, Ralston, Swazy, and Whittlesey—8.

Nays—Messrs. Hempstead, Lewis, Parker, Payne, and Mr. President—5.

So the amendments were all concurred in.

Mr. Hempstead, from the committee of conference, appointed by the Council, on the 16th inst. in relation to the disagreeing vote of the two Houses to amendments made by the H. of R. to the 19th and 43d sections of Bill No. 29, Council file, 'A Bill defining crimes and punishments,' report, that they met a similar committee on the part of the House of Representatives, and that the House do recede from their said amendments.

The Council concurred in the report of the committee.

Mr. Hepner, from the committee on Enrolments, report as correctly enrolled, the following acts, viz:

An Act relating to the office of Register of Deeds, &c.

An Act to authorize David W. Kilbourne to keep a ferry across the Mississippi river at the town of Montrose; and,

An Act concerning the construction of statutes, &c.

The report was concurred in.

Mr. Clark asked and obtained leave of absence for to-day for Mr. Wallace, Secretary of the Council.

Bill No. 144, H. R. file, 'An Act for the relief of the Sheriff of Cedar county,' was taken up and read a first and second time, and considered in committee of the whole, Mr. Hempstead in the chair. The chairman reported the bill with sundry amendments, which were concurred in by the Council, and the bill was read a third time, and passed, and the title agreed to.

Mr. Hempstead asked and obtained leave at this time, to introduce, Bill No. 52, Council file, 'A Bill concerning Bail,' which was read, a first and 2d time, and considered in committee of the whole, Mr. Payne in the chair. The chairman reported the bill to the Council without amendment, which was concurred in, and,

On motion of Mr. Hempstead,

The rule requiring bills to be engrossed, &c., was suspended, and the bill was read a third time, and passed, and the title agreed to.

Mr. Lewis asked and obtained leave to bring in on to-morrow, or on some further day, 'A Bill concerning Minors, Orphans, and Guardians.'

The chairman announced Messrs. Lewis, Clark, and Parker, a committee to prepare and bring in said bill.

Mr. Payne offered the following:

Resolved, That the committee on Territorial Affairs be instructed



to report on to-morrow morning, a Memorial to the Congress of the U. S. for the survey of a Rail Road from that point on the Mississippi river, where the Wisconsin Rail Road terminates, by way of Du Buque, in Du Buque county, and Rochester, in Cedar county, and Wapello, in Louisa county, and Mount Pleasant, in Henry county, and to Van Buren county, in a direction to Jefferson City, in the State of Missouri; which resolution,

On motion of Mr. Hempstead,  
Was laid on the table.

A joint resolution of the House of Representatives, instructing our Delegate in Congress to ask of that body, four sections of land, on which to locate the Seat of Government of this Territory, was read, and,

On motion of Mr. Hempstead,  
Concurred in by the Council.

The following message from the H. of R. by Mr. Fales, their Chief Clerk:

MR. PRESIDENT--

The House of Representatives have passed bills of the Council as follow:

No. 32, 'An Act to establish the boundary lines of Washington county, and for other purposes,' without amendments.

No. 42, 'An Act to legalize the acts of county commissioners,' with an amendment. Also, bills of the House, as follow:

No. 145, An Act to provide for the sale of land located upon by the county commissioners of Henry county, &c.

No. 147, An Act to incorporate the Burlington and Des Moines Transportation Company; in which the concurrence of the Council is requested.

I also present for your signature,  
An Act to authorize F. P. Blevings to keep a ferry, &c. Also,  
An Act for the appointment, and duties of sheriff; the same having been signed by the Speaker of the House of Representatives.

Bill No. 137, H. R. file, An Act to provide for the erection of a Penitentiary and establishing and regulating prison discipline for the same, was taken up and read a first and second time, and considered in committee of the whole, Mr. Inghram in the chair. The chairman reported the bill to the Council without amendment, which was concurred in.

Mr. Hempstead moved a call of the House—whereupon twelve members answered to their names, and the absent member was sent for, and on his taking his seat,

Mr. Hempstead moved the words "Mount Pleasant," in the 3d section of said bill, be stricken out, and "Davenport" inserted in its place.

On which question the yeas and nays were called, and are as follow:



Yeas—Messrs. Hempstead, Lewis, Parker, Whittlesey, and Mr. President—5.

Nays—Messrs. Clark, Hepner, Hughes, Inghram, Keith, Payne, Ralston, and Swazy—8.

So the motion was lost.

Mr. Hempstead then moved to strike out "Mount Pleasant," and insert "Fort Madison," and on the motion, the yeas and nays were required, and are as follow:

Yeas—Messrs. Hempstead, Lewis, Parker, Whittlesey, and Mr. President—5.

Nays—Messrs. Clark, Hepner, Hughes, Inghram, Keith, Payne, Ralston, and Swazy—8.

The motion was not agreed to.

Mr. Hepner then moved to strike out "Mount Pleasant," and insert "Burlington." On which question the yeas and nays were as follow:

Yeas—Messrs. Hepner, Inghram, Ralston, Whittlesey, and Mr. President—5.

Nays—Messrs. Clark, Hempstead, Hughes, Lewis, Parker, Payne, and Swazy—8.

So the motion was lost.

Mr. Clark moved to strike out "Mount Pleasant," and insert "Bloomington." Whereupon, the yeas and nays were called, and are as follow:

Yeas—Messrs. Clark, Hempstead, Lewis, Parker, Whittlesey, and Mr. President—6.

Nays.—Messrs. Hepner, Hughes, Inghram, Keith, Payne, Ralston, and Swazy—7.

So the motion was not agreed to.

Mr. Hempstead then moved to strike out "Mount Pleasant," and insert "Du Buque." On which motion the yeas and nays were as follow:

Yeas—Messrs. Hempstead, Lewis, Parker, Payne, and Whittlesey—5.

Nays—Messrs. Clark, Hepner, Hughes, Inghram, Keith, Ralston, Swazy, and Mr. President.—8.

So the motion was not agreed to.

Mr. Whittlesey moved a division of the question, viz: To strike out "Mount Pleasant." On which question the ayes and nays were required, and are as follow:

Yeas—Messrs. Hempstead, Hepner, Lewis, Parker, Ralston, Whittlesey, and Mr. President—7.

Nays—Messrs. Clark, Hughes, Inghram, Keith, and Payne, and Swazy—6.

So the question was determined in the affirmative, and "Mount Pleasant" was stricken out.



Mr. Whittlesey then moved to fill the blank by inserting "at the place where Seat of Government may be located in Johnson county."

Mr. Swasey moved to amend the motion by filling the blank with "Fort Madison." Whereupon the yeas and nays were required, and are as follows:

Yeas—Messrs. Hughes, Keith, Payne, Swazy, and Mr. President—5.

Nays—Messrs. Clark, Hempstead, Hepner, Inghram, Lewis, Parker, Ralston, and Whittlesey—8.

So the amendment was lost.

Mr. Payne then moved to amend Mr. Whittlesey's motion by filling the blank with "Burlington;" the yeas and nays being called for, are as follow:

Yeas—Messrs. Hepner, Hughes, Inghram, Keith, Parker, Payne, Ralston, and Swazy—8.

Nays—Messrs. Clark, Hempstead, Lewis, Whittlesey, and Mr. President—5.

So the amendment was agreed to.

On motion of Mr. Parker,

The Council adjourned until 2 o'clock, P. M.

## 2 O'CLOCK, P. M.

The following message from the H. of R. by Mr. Fales, their Chief Clerk:

MR. PRESIDENT—

The House of Representatives have passed a bill of the following title:

No. 152, An Act authorizing Jehu Carter to erect a dam across Big Cedar, in Jefferson county. Also,

A Memorial to Congress for the extension of the mail routes from the Mississippi to the interior.

I also return for your signature, the following entitled acts; the same having been signed by the Speaker of the House of Representatives:

An Act concerning the construction of Statutes.

An Act to authorize D. W. Kilbourne to keep a ferry, &c.

An Act to incorporate the Plymouth Mill and Manufacturing Company.

An Act to authorize the appointment of Public Administrators, &c.

An Act concerning insane persons.

An Act relating to the office of Recorder of Deeds.

An Act to regulate the mode of petitioning the Legislative Assembly, &c.

An Act to authorize Robert Wilson to erect a dam across Skunk River.

I am also instructed to invite the Council to meet the House of Re-



presentatives, *instantly*, to go into an election for commissioners to locate the Seat of Government of the Territory of Iowa.

Mr. Hempstead moved that the chair be vacated for half an hour for the purpose of meeting the House of Representatives, to go into an election for commissioners to locate the Seat of Government of the Territory of Iowa.

And on the question "Shall the chair be vacated?" it was determined in the affirmative.

Yeas---11. Nays---1.

The yeas and nays being called for by Mr. Parker, are as follow:

Yeas---Messrs. Clark, Hempstead, Hepner, Hughes, Inghram, Keith, Lewis, Ralston, Swasy, Whittlesey, and Mr. President.

Nays---Mr. Parker.

On motion of Mr. Payne,  
The Council adjourned.

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### Saturday Morning, Jan. 19, 1839.

Mr. Parker, from the joint committee on enrolments, report that the following acts were handed to the Governor on the 18th inst. for his approval:

An act to provide for changing the venue in civil and criminal cases.

An act concerning apprentices and servants; and

A resolution relative to a salary for a Reporter to the Supreme Court.

Mr. Parker, from the joint committee on enrolments, report that the following acts were, on the 19th inst., presented to the Governor for his approval:

An act concerning the construction of statutes, &c.

An act relating to the recorder of deeds, &c.

An act to authorize Robert Wilson, his heirs or assigns, to erect a dam across Skunk river.

An act to authorize David W. Kilbourne to keep a ferry across the Mississippi river, at the town of Montrose.

An act to authorize the appointment of public administrators in the several counties in this Territory, and for other purposes.

An act to regulate the mode of petitioning the Legislature in certain cases.

An act concerning insane persons; and

An act to incorporate the Plymouth Mill and Manufacturing company.

Mr. Payne offered the following:



Resolved, That at the next general election of this Territory, that a vote be taken where the seat of government of this Territory shall be placed.

Mr. Hempstead moved that the resolution be indefinitely postponed; on which question the yeas and nays were required, and are as follow:

Yeas—Messrs. Clark, Hepner, Inghram, Lewis, Parker, Ralston, Whittlesey, and Mr. President—8.

Nays—Messrs. Hughes, Keith, Payne, and Swazy—4.

So the resolution was postponed indefinitely.

Mr. Lewis offered the following:

Resolved, That John M. Garrigus be, and he is hereby employed to assist in enrolling bills originating in this House.

Which was adopted.

Bill No. 137, H. R. file, An act to provide for the erection of a Penitentiary, and establishing and regulating prison discipline for the for the same, was again under consideration, when

Mr. Hepner moved further to amend the 3rd section, by striking out the word "Henry," wherever it occurs in said bill, and inserting "Des Moines," in lieu thereof; which was agreed to.

Mr. Payne moved to strike out section twelve of said bill; which was agreed to.

Mr. Hempstead moved to amend the 5th section of said bill, by striking out the words, "the sum of twenty thousand dollars, appropriated for the erection of public buildings;" and insert in lieu thereof, the following, "any moneys that may have been, or may hereafter be appropriated for the erection of a Penitentiary;" and during the pendency of the debate growing out of the amendment proposed,

Mr. Hepner moved that the bill, together with the amendment, be laid upon the table; on which question the yeas and nays were required, and are as follow:

Yeas—Messrs. Clark, Hempstead, Lewis, Parker, Whittlesey, and Mr. President—6.

Nays—Messrs. Hepner, Hughes, Inghram, Keith, Payne, Ralston, and Swazy—7.

So the question was determined in the negative.

The question then recurred on Mr. Hempstead's amendment; on which question the yeas and nays were as follow:

Yeas—Messrs. Clark, Hempstead, Lewis, Parker, Whittlesey, and Mr. President—6.

Nays—Messrs. Hepner, Hughes, Inghram, Keith, Payne, Ralston, and Swazy—7.

So the amendment was not agreed to.

Mr. Whittlesey then moved to amend said 5th section, by adding after the words "said building," as follows:

"Provided, however, That this act shall not authorize the employ-



ment, for this purpose, of any money granted by Congress for the erection of public buildings at the Seat of Government."

Mr. Payne moved to amend the amendment by substituting the following:

"Provided, It shall not interfere with the \$20,000 appropriated by the organic law, organizing the Territory of Iowa."

On which question the yeas and nays were called, and are as follow:

Yeas—Messrs. Hepner, Hughes, Inghram, Keith, Payne, Ralston, and Swazy—7.

Nays—Messrs. Clark, Hempstead, Lewis, Parker, Whittlesey, and Mr. President—6.

So the amendment of Mr. Payne was adopted.

Mr. Hempstead then moved that the following be adopted as an amendment, in the place of Mr. Payne's amendment:

"Provided, That such sum of money shall not be drawn as aforesaid, if the same has been appropriated by Congress for other purposes."

And on this motion the yeas and nays were called for, and are as follow:

Yeas—Messrs. Clark, Hempstead, Lewis, Parker, Whittlesey, and Mr. President—6.

Nays—Messrs. Hepner, Hughes, Inghram, Keith, Payne, Ralston, and Swazy—7.

So the amendment was not agreed to.

And the bill, as amended, was ordered to a third reading.

On motion of Mr. Inghram,

The bill was read a third time and passed, and the title agreed to.

The following message from the House of Representatives, by Mr. Fales their Chief Clerk:

"MR. PRESIDENT—

I herewith present for your signature, the following entitled acts, which have been signed by the Speaker of the House of Representatives:

An act to authorize John Gaines and others, to keep a ferry, &c.

An act to district the Territory of Iowa into electoral districts, and apportion the members of the House of Representatives in the same.

An act to provide for the compensation of Judges of Probate.

An act to authorize James Leonard and others to keep a ferry.

An act to allow and regulate the action of waste.

An act fixing the terms of the Supreme and District Courts of the Territory of Iowa, and for other purposes.

An act regulating the publication and distribution of the Laws and Journals of the Legislative Assembly.

An act to provide for the compensation of the Sheriffs of the different counties of this Territory.



An act to incorporate the Burlington Steam Mill Company; and,  
An act to regulate blacks and mulattoes.

The House of Representatives have passed the following entitled bill:

No. 142, An act supplementary to an act to locate the Seat of Government of the Territory of Iowa, and for other purposes.

In which the concurrence of the Council is requested.

Mr. Payne moved that the Council adjourn until 2 o'clock, P. M.; on the question, the yeas and nays were called for by Mr. Hempstead, and are as follow:

Yeas—Messrs. Hughes, Inghram, Keith, Payne, Ralston, Swazy, and Mr. President—7.

Nays—Messrs. Clark, Hempstead, Hepner, Lewis, Parker, and Whittlesey—6.

So the Council was adjourned until 2 o'clock, P. M.

## 2 O'CLOCK, P. M.

Mr. Hepner asked and obtained leave to introduce, at this time, A bill (No. 53, Council file,) to authorize Aaron White to keep a ferry across the Mississippi river at the town of Fort Madison.

The bill was read a first and second time, and considered in committee of the whole, Mr. Clark in the chair. The chairman reported the bill to the Council without amendment, which was concurred in.

Mr. Inghram moved to amend the bill, by adding a new (3rd) section; which was agreed to, and the rule requiring bills to be engrossed, &c. was suspended, and the bill ordered to a third reading.

On motion of Mr. Inghram,

The bill, as amended, was read a third time, and passed, and the title agreed to.

Bill No. 142, H. R. file, An act supplementary to an act to locate the seat of government of the Territory of Iowa, and for other purposes, was taken up and read a first and second time, and considered in committee of the whole, Mr. Swazy in the chair. The chairman reported the bill to the Council with one amendment, which was concurred in.

Mr. Payne moved that the bill be indefinitely postponed; on which question the yeas and nays were called, and are as follow:

Yeas—Messrs. Hughes, Parker, and Payne—3.

Nays—Messrs. Clark, Hempstead, Hepner, Inghram, Keith, Lewis, Ralston, Swazy, Whittlesey, and Mr. President—10.

So the motion was lost.

Mr. Payne moved that the Council excuse him from voting on this bill, and that he have leave to enter his reasons upon the Journal.

Mr. Lewis moved a division of the question; whereupon,

Mr. Payne withdrew his motion; and the bill, as amended, was or-



dered to a third reading;—it was then read a third time, and passed, and the title agreed to.

Bill No. 152, H. R. file, An act authorizing Jehu Carter to erect a dam across big Cedar in Jefferson county, was read a first and second time, and considered in committee of the whole, Mr. Payne in the chair. The chairman reported the bill to the Council without amendment, which was concurred in, and the bill ordered to a third reading; it was then read a third time, and passed, and title agreed to.

Mr. Hempstead, on leave, from the judiciary committee, to whom was referred bill No. 79, H. R. file, An act relative to wills and testaments, executors and administrators, and the settlement of estates, reported the bill to the Council with sundry amendments.

On motion of Mr. Parker.

The Council resolved itself into committee of the whole, on said bill, Mr. Whittlesey in the chair. After some time spent therein, the committee rose, and by their chairman reported progress, and asked leave to sit again, which was granted.

On motion of Clark,

The Council adjourned until Monday next, 10 o'clock, A. M.

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### Monday Morning, Jan. 21, 1839.

Mr. Payne moved that the resolution, prohibiting the introduction of any new business after the 20th inst. be suspended, which was agreed to—and thereupon,

Mr. Payne asked and obtained leave to introduce, at this time,

A Bill No. 54, Council file, to repeal an act passed by the Wisconsin Legislature, approved Jan. 16th, 1838, and for other purposes, which was read.

Mr. Parker then moved to reject the bill.

Mr. Inghram asked for the reading of the petitions accompanying the bill, which was granted, and on the question "Shall the bill be rejected?" the yeas and nays are as follow:

Yeas—Messrs. Hempstead, Hepner, Lewis, Parker, Whittlesey, and Mr. President—6.

Nays—Messrs. Clark, Hughes, Inghram, Keith, Payne, Ralston, and Swazy—7.

On motion of Mr. Inghram,

The bill was read a second time by its title, and referred to the committee on Judiciary.

Mr. Lewis presented the petition of Geo. W. Jones, praying for a ferry privilege at the town of Du Buque, which,



On motion of Mr. Hempstead,

Was referred to the committee on incorporations.

Mr. Hempstead, from the Judiciary committee, to whom was referred,

A Bill, No. 1, Council file, to repeal the act now in force in this Territory, relating to interest on contracts. Also,

A Bill, No. 14, Council file, to prevent firing woods and prairies, and, Bill, No. 73, H. R. file, 'An Act for the punishment of the crime of bribery. Reported the same back to the Council without amendment, and asked that the further consideration of said bills be indefinitely postponed; which report was concurred in.

Mr. Hepner, from the joint committee on Enrolments, report, that they have examined, 'An Act, supplementary to An Act, to locate the Seat of Government of the Territory of Iowa, and for other purposes,' and find the same correctly enrolled.

Mr. Hughes offered the following:

Resolved, That the Council and House of Representatives of the Territory of Iowa, adjourn on Friday next, at 10 o'clock, A. M.

Mr. Parker moved to lay the Resolution on the table; on which motion the yeas and nays were called, and are as follow:

Yeas—Messrs. Hempstead, Hepner, Inghram, Keith, Lewis, Parker, Ralston, and Whittlesey—8.

Nays—Messrs. Clark, Hughes, Payne, Swazy, and Mr. President—5.

So the resolution was laid on the table.

Bill No. 126, 'An Act to re-locate the county seat of Lee county,' was taken up, and considered in committee of the whole, Mr. Inghram in the chair. The chairman reported the bill to the Council with sundry amendments, which were concurred in, and the bill ordered to a third reading.

The bill was then read a third time, and on the question "shall the bill pass?" the yeas and nays were ordered, and are as follow:

Yeas—Messrs. Clark, Hughes, Inghram, Keith, Lewis, Payne, and Swazy—7.

Nays—Messrs. Hempstead, Hepner, Parker, Ralston, Whittlesey, and Mr. President—6.

So the bill was passed, and the title agreed to.

The following message from the H. of R. by Mr. Fales, their Chief Clerk:

MR. PRESIDENT—

The House of Representatives have passed bills of the Council as follow, with amendments:

No. 40, An Act to provide for the appointment of Notaries Public.

No. 48, An Act to establish the boundary lines of the counties of Clayton, Fayette, &c. Also,



No. 50, Council file, An Act in relation to bonds and other securities, without amendments.

The House have also passed

No. 140, An Act to incorporate the Keosauqua Lyceum, &c., in which the concurrence of the Council is requested.

I also present for your signature the following entitled acts, the same having been signed by the Speaker of the House of Representatives.

An Act to divide the county of Henry, and establish the county of Jefferson.

An Act supplementary to 'An Act to locate the Seat of Government.'

An Act to provide for the appointment of justices of the peace, &c.

Also, A joint resolution requesting our Delegate in Congress to ask of that body, a donation of four sections of land for the location of the Seat of Government; which said acts and resolution were then signed by the President of the Council.

Bill No. 79, H. R. file, 'An Act relating to Wills and Testaments, Executors and Administrators, and the settlement of Estates,' was resumed again in committee of the whole, Mr. Whittlesey in the chair. The chairman reported the bill to the Council with sundry amendments, which were concurred in, and the bill, as amended, ordered to a third reading.

The bill was then read a third time, and passed, and the title agreed to.

Bill No. 135, H. R. file, An Act providing for the relief of the Sheriffs of Lee and Scott counties,' was,

On motion of Mr. Parker,

Taken up, and read a first and second time, and considered in committee of the whole, Mr. Swazy in the chair. The chairman reported the bill to the Council without amendment, which was concurred in.

Mr. Parker moved to amend the 1st section, by inserting after the word "allowed," the words "further time," which was agreed to, and the bill as amended was ordered to a third reading.

The bill was then read a third time, and passed, and the title agreed to.

On motion of Mr. Lewis,

The vote on bill, No. 126, H. R. file, 'An Act to re-locate the county seat of Lee county,' was re-considered, and the question on its passage again put, and decided in the negative.

The yeas and nays being called for, were as follow:

Yeas—Messrs. Clark, Hughes, Inghram, Keith, Payne, and Swazy—6.

Nays—Messrs. Hempstead, Hepner, Lewis, Parker, Ralston, Whittlesey, and Mr. President—7.

Bill No. 51, Council file, 'An Act to establish a ferry across the Mississippi river at Fort Madison,' was taken up and read a second time, and considered in committee of the whole, Mr. Clark in the



chair. The chairman reported the bill to the Council, with amendments, which were concurred in.

On motion of Mr. Clark,

The rule requiring bills to be engrossed, &c., was suspended, and the bill ordered to a third reading. The bill was then read a third time, and passed, and the title agreed to.

On motion of Mr. Payne,

The Council adjourned until 2 o'clock, P. M.

## 2 O'CLOCK, P. M.

Bill No. 100, H. R. file, 'An Act regulating Mills and Millers, and for other purposes,' was taken up and read a first and second time and considered in committee of the whole, Mr. Whittlesey in the chair. The chairman reported the bill to the Council with an amendment, which was concurred in.

Mr. Parker moved to amend the bill by striking out, in the 15th section "its passage," and insert "the first day of May next," which was agreed to, and the bill ordered to a third reading.

It was then read a third time, and passed, and the title agreed to.

Bill No. 98, H. R. file, 'An Act for assessing and collecting county revenue,' was,

On motion of Mr. Parker,

Taken up, and read a first and second time, and considered in committee of the whole, Mr. Hepner in the chair. After some time spent therein, the committee rose, and by their chairman, reported the bill to the Council with sundry amendments, which were concurred in.

Mr. Swazy moved to amend section 1st, by striking out "fifty," before "dollars," and inserting "twenty-five," in its place.

And before taking the question on the amendment,

Mr. Hepner moved a call of the House, which being had, three members were found to be absent, who were sent for, and before their arrival,

Mr. Payne moved the further call of the House be suspended, and that the Council proceed to a disposition of the bill, which was agreed to, and the bill was ordered to a third reading.

It was then read a third time, and passed, and the title agreed to.

Mr. Lewis moved that the Council suspend their resolution prohibiting the bringing in of any new business after the 20th inst., so far as to allow him to introduce at this time.

A Bill, No. 55, Council file, concerning Minors, Orphans, and Guardians. The motion was concurred in by the Council; and,

On motion of Mr. Lewis,

Said bill was made the order of the day for to-morrow.

Mr. Parker asked for a suspension of the resolution prohibiting the introduction of any new business after the 20th inst., for the purpose of introducing the following bills, which was granted.



A Bill, No. 56, Council file, concerning reference by arbitration by agreement, before a justice of the peace, or to referees by agreement, before the District Court. Also.

A Bill, No. 57, Council file, to incorporate the town of Davenport. Which said bills were read, and previous to any further action thereon,

On motion of Mr. Lewis,  
The Council adjourned.

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### Tuesday Morning, Jan. 22, 1839.

Mr. Hepner, from the joint committee on enrolments, report that they have examined,

An act concerning water crafts found adrift, lost goods and estray animals; and find it correctly enrolled, also,

An act for the incorporation of public libraries.

Mr. Parker, from the joint committee on enrolments, report that they did, on the 21st inst., lay before the Governor for his approval,

An act to provide for the appointment of Justices of the Peace, to prescribe their powers and duties, and to regulate their proceedings.

An act supplementary to An act to locate the Seat of Government of the Territory of Iowa, and for other purposes; and

An act to divide the county of Henry and to establish the county of Jefferson; and also,

A joint resolution asking a donation of four sections of public land, for the purpose of locating thereon the Seat of Government of the Territory of Iowa.

Mr. Lewis, from the committee on Territorial Affairs, to whom was referred the Veto Message of the Governor, upon the "Bill regulating the intercourse between the Legislative and Executive Departments of the Territory of Iowa," made the following report:

That they have examined the reasons assigned by the Executive for refusing to sign an act entitled "An act regulating the intercourse between the Legislative and Executive Departments of the Territory of Iowa," and cannot perceive that those objections are founded upon the Organic Law of this Territory, or the Constitution of the United States.

Your committee regret that the Executive should have exercised his boasted *restraining power* so frequently upon the acts of the present Legislative Assembly, or that he should have carried his personal feelings and prejudices so far as to disapprove an act of so much importance and so necessary for the order and harmony of business, without assigning any legal or valid reason for so doing.

The first objection urged by the Executive in his message against



the act above mentioned, is in the following language—"The constitutions of many of the States prescribes the manner in which bills shall be presented to the Executive, and points out the time and manner of their return to the Legislature, if objected to by the Executive."

The Organic Law of Iowa Territory is entirely silent on this subject; but declares that the Governor *shall* approve all laws passed by the Legislative Assembly before they shall take effect, leaving the whole subject *entirely* to the *discretion* of the Executive.

It is admitted by the committee, that in many of the constitutions of the States, is prescribed the manner in which bills shall be presented to the Executive, and the time and manner of their return to the Legislature if objected to; but these provisions are only made where the Executive is vested with the *veto* power in absolute terms. And your committee cannot believe that Congress in framing the Organic Law, ever intended to invest the Governor of Iowa Territory with such power; if so, they certainly would have defined more specifically the mode and manner of its exercise. Why does the Executive claim and exercise this power to such an alarming extent, when the Organic Law provides that "all the laws" passed by the Legislature "shall be submitted to, and if *disapproved* by the Congress of the United States, the same shall be null and of no effect?" Is it intended by the Organic Law that the Governor should possess the *veto* or *disapproving* power, when that power is properly vested in Congress? Your committee think not.

The second complication of objections to the aforesaid act appear in the following words—"Believing that a law regulating the intercourse between the Legislative and the Executive branches of government, that would not interfere with the prerogative of either, would be of mutual advantage as a rule of action to both. With this view I conferred with the committee appointed by the Council for the purpose and *consented* to the details of a bill that was reported to the Council by that committee. In comparing the bill submitted for my consideration with the *one* originally reported by the committee, I find that the *section* that was *inserted* with a view to keep up a mutual conference, and to open the way to a mutual *reconciliation* of conflicting views, has been stricken from the bill: also, the time within which the Executive was required to return an act, etc. with his objections to the Legislative Assembly, has been altered from ten to five days; *with these alterations I can never concur*, but am still willing to *yield* my assent to the bill if passed as *originally* reported by the committee. Until this is done I must use my own *discretion*, &c."

Your committee in considering these unparalleled objections to a solemn act of the Legislature, passed for the purpose of regulating their intercourse with the Executive, are compelled to set forth the *section* referred to by the Executive, the striking out of which appeared to



arouse his indignation against the Council, and has resulted in the destruction of the unfortunate bill. The section, as reported by the committee, is in the following words:

"Sec. 5. That there shall be an Executive conference committee appointed at each session, to consist of one member from each House, whose duty it shall be to submit to the Governor for his inspection all bills, resolutions, and memorials, that may have passed both Houses of the Legislative Assembly, before they are presented to the Speaker of the House of Representatives for his signature, and any recommendations, modifications, or amendment that may be suggested by the Governor to any bill, resolution, or memorial shall be reported by the committee to their respective Houses, which report shall be considered and acted upon in the same manner as reports of committees of conference made on matters of difference between the two houses, and if concurred in, the same shall be embodied in any such bill, resolution, or memorial before it is presented to the Speaker of the House of Representatives for his signature."

This section was so objectionable, so novel, and at once so subversive of every principle of free legislation that it was stricken from the bill by a unanimous vote of the Council. Did the Executive, in his wisdom, suppose that the Representatives of a people whose birthright is liberty, and who have been taught to spurn oppression, would surrender into his hands a power not even claimed by the most despotic monarch in Europe; for even they will allow their subjects to think for themselves, "provided they do not think too loud." Not so with the Executive: he seemed to suppose that the Legislature of this Territory should be placed directly under his superintendence and correction. Can he find any authority under the organic law, or any other law for appointing an Executive conference committee with such duties as are assigned them by the 5th section referred to? Can he lay his finger upon a precedent in the history of a free government where such a committee has been appointed for such purposes?

By this section, and its wise provisions, the Executive must have had in view the establishment, upon a firm foundation that advisory and restraining power, which he has so unwarrantably assumed and so frequently exercised over the Legislature, and the people of this Territory. How far the Executive will carry out his restraining power, no one can tell. Already has he evinced his strong determinations to leave the Legislature with nothing but a name—without power, privilege, or dignity.

Your committee confess, with regret, that the acts of the present session of the Legislative Assembly, are in his hands, without any assurance that they ever will be signed, or if so, in such manner as to render them void. He has declared that he will retain under advisement, all acts as long as he may deem advisable. What course is then left for the Legislative Assembly of this Territory? They may ask the Executive in the most respectful manner, to inform them of all acts



by him approved during the present session of the Legislature, and he will, and has construed such a request into an insult, and vetoed the resolution. Again the Executive remarks, in his communication of the 19th of December, 1838, "If special objections are found, but not sufficient to induce me to withhold my assent from the bill, resolution, or memorial, a special note of explanation will be endorsed with my approval." Where does the Executive find his authority for making any qualified approval? Would he contend for the privilege of exercising his advisory and restraining power, over the judiciary of this Territory, by declaring what effect the laws shall have, and how they shall be construed? This would be, and is, a direct attempt to unite the Executive, Legislative, and Judicial powers in his own person. It is time to remonstrate. The liberty of the people should be dear to their representatives, and he who DARES not defend their sacred rights, who would not, in the hour of peril, stand as a sentinel to guard their privileges, is unworthy the name of a freeman.

On motion of Mr. Payne,

A call of the House was had, and absent members sent for, and the further consideration of the report suspended for the present.

Mr. Payne asked, and obtained, leave of absence for Mr. Clark, during the remainder of the session.

Bill, No. 56, Council file, 'A Bill concerning reference to arbitration by agreement, before a justice of the peace, or to referees by agreement before the District Court,' was taken up, and considered in committee of the whole, Mr. Parker in the chair. The chairman reported the bill without amendment, which report was concurred in, and the bill read a third time, and passed, and the title agreed to.

Mr. Hempstead presented the account of J. G. Edwards, for printing done for the Council, which was referred to the committee on Expenditures.

On motion of Mr. Hempstead,

The consideration of the report of the committee on Territorial Affairs, was resumed, the report again read, and, on the question, "Will the Council concur in the report?" the yeas and nays were as follow:

Yeas—Messrs. Hempstead, Hepner, Inghram, Lewis, Parker, and Mr. President—6.

Nays—Messrs. Hughes, Keith, Payne, Ralston, Swazy, and Whitteley—6.

So the report was not concurred in.

On motion of Mr. Hempstead,

The report was laid upon the table.

Bill No. 55, Council file, 'A Bill concerning Minors, Orphans, and Guardians,' being the special order of the day, was taken up, and considered in committee of the whole, Mr. Inghram in the chair. The chairman reported the bill without amendment, which report was concurred in; and,

On motion of Mr. Lewis,



The rule requiring bills to be engrossed, was suspended, and the bill read a third time, and passed, and the title agreed to.

The following message from the House of Representatives, by Mr. Fales, their Chief Clerk:

MR. PRESIDENT—

I am directed to inform the Council, that the House of Representatives have concurred in amendments made by the former, to the 4th, 9th, and 24th sections of bill No. 41, H. R. file, and have disagreed to those made to the 12th and 23d sections of said bill.

The House have also concurred in amendments by the Council to bills, H. R. file, No. 76, 86, 124, and 134.

I am further directed to inform the Council, that the amendments made by that body to the 3d, 5th, 7th, and the 2d amendment to the 9th section, and the amendments to 13th, 14th, 17th, and 18th sections of bill No. 92, H. R. file, have been concurred in by the House, while those made to the former part of the 9th section, and to sections 1, 10, 15, and 16, of said bill, have been in like manner disagreed to.

Also, that the House have concurred in amendments made by Council to the 13th, 20th, and 22d sections of bill No. 99, H. R. file, and have disagreed to those made to the 9th, 10th, 12th, 14th, 25th, and 28th sections of said bill.

Also, that the amendment made by Council to the 5th section of bill No. 136, H. R. file, has been concurred in by the House, and that made to the 12th section thereof, disagreed to.

The House have made amendments to the amendments of the Council to the 3d section of said bill last named, by striking out the words "Mount Pleasant" and "Henry" where they occur, and inserting in lieu thereof, the words "Fort Madison" and "Lee." In which amendments the concurrence of the Council is requested.

The House have passed the following entitled bill, No. 123,

An Act regulating the issuing of writs of ne exeat and injunctions.

In which the concurrence of the Council is requested.

Mr. Payne moved to suspend the resolution prohibiting the introduction of any new business after the 20th inst., and that he be allowed to introduce 'A Bill, No. 58, Council file, to authorize the holding of the district courts in the county of Jefferson, which was agreed to, and the bill read.

Mr. Hempstead then moved to reject the bill, which motion was lost, and the bill was read a second time, and,

On motion of Mr. Payne,

The rule requiring bills to be considered in committee of the whole, was suspended, and the bill read a third time, and passed, and the title agreed to.

On motion of Mr. Inghram,

Bill No. 147, H. R. file, 'An Act to incorporate the Burlington and Des Moines Transportation Company,' was taken up, and on his mo-



tion, the first reading of the same was dispensed with, and the bill read a second time by its title; and,

On motion of Mr. Inghram,

Referred to the Judiciary committee.

Bill No. 57, Council file, 'A Bill to incorporate the town of Davenport,' was read and considered in committee of the whole, Mr. Hempstead in the chair. The chairman reported the bill without amendment, which was concurred in; and,

On motion of Mr. Hempstead,

The rule requiring bills to be engrossed, was suspended, and the bill read a third time, and passed, and the title agreed to.

Memorial (of the H. of R.) to the Congress of the U. S., 'on the subject of settlements upon school lands,' was read, and on the question, "Will the Council concur in the Memorial?" the yeas and nays are as follow:

Yeas—Messrs. Hempstead, Inghram, Keith, Lewis, Parker, Ralston, Swazy, and Mr. President—8.

Nays—Messrs. Hepner, Hughes, Payne, and Whittlesey—4.

So the memorial was concurred in.

On motion of Mr. Hempstead,

The Council adjourned until 2 o'clock, P. M.

## 2 O'CLOCK, P. M.

Mr. Lewis moved, that five hundred copies of the report of the committee on Territorial Affairs, which was laid upon the table this morning, be printed, and that James G. Edwards be employed to print the same. On which question the yeas and nays are as follow:

Yeas—Messrs. Hempstead, Hepner, Hughes, Inghram, Keith, Lewis, and Mr. President—7.

Nays—Messrs. Payne and Swazy—2.

So the motion was agreed to.

Mr. Hempstead, from the Judiciary committee, to whom was referred Bill No. 147, H. R. file, 'An Act to incorporate the Burlington and Des Moines Transportation Company,' reported the same back to the Council with one amendment, which was concurred in, and the bill, as amended, considered in committee of the whole, Mr. Lewis in the chair. The chairman reported the bill to the Council with amendments, which were concurred in by the Council.

Mr. Parker moved to amend the 18th section by adding the following proviso thereto:

'Provided, That said Company shall not hold bonds, notes, or other securities from any one person, company, or corporation, for any amount, at any one time, greater than five thousand dollars: Provided, also, That the notes of specie paying banks loaned by said Company, shall be such as are at par credit in Burlington, the city of St. Louis, or the city of New York,' which was agreed to.



Mr. Whittlesey then moved further to amend said 18th section, by striking out in 7th line, the word "twenty," and inserting "ten," on which question the yeas and nays are as follow:

Yeas—Messrs. Keith, Parker, Swazy, and Whittlesey—4.

Nays—Messrs Hempstead, Hepner, Hughes, Inghram, Lewis, Payne, Ralston, and Mr. President—8.

So the amendment was not agreed to.

The bill was read a third time, and on the question, "Shall the bill pass?" the yeas and nays are as follow:

Yeas—Messrs. Hempstead, Hepner, Hughes, Inghram, Lewis, Parker, Payne, Ralston, and Mr. President—9.

Nays—Messrs. Keith, Swazy, and Whittlesey—3.

So the bill passed, and the title was agreed to.

The following message from the H. of R. by Mr. Fales, their Chief Clerk:

MR. PRESIDENT—

The House of Representatives have passed bills of the following titles, viz:

No. 141, An Act providing for the recording of town plats.

No. 146, An Act to improve the Police of the city of Burlington.

No. 149, An Act to re-locate the county seat of Van Buren county.

No. 153, An Act to incorporate the Lyceums herein named.

In which the concurrence of the Council is requested.

The House have also passed bill, of the Council, without amendment,

No. 52, An Act concerning bail.

I also present for your signature.

An Act concerning water crafts found adrift, lost goods, and estray animals.

An Act authorizing Jehu Carter to erect a dam across Big Cedar, in Jefferson nounty.

An Act for the incorporation of Public Libraries. All of which have been signed by the Speaker of the H. of R.

Bill No. 131, H. R. file, An Act concerning Vagrants, &c., was read a first and second time, and considered in committee of the whole, Mr. Whittlesey in the chair. The chairman reported the bill to the Council without amendment, which report was concurred in, and the bill ordered to a third reading. It was then read a third time, and passed, and title agreed to.

Bill No. 136, H. R. file, 'An Act to provide for the erection of a Penitentiary,' being under consideration, was,

On motion of Mr. Inghram,

Ordered to be returned to the H. of R. for explanation.

Bill No. 101, H. R. file, 'An Act concerning amendments and jeofails,' was taken up. The first reading of the bill was dispensed with, and the bill read a second time by its title, and considered in



committee of the whole, Mr. Payne in the chair. The chairman reported the bill without amendment, which report was concurred in, and

On motion of Mr. Whittlesey,

The bill was read a third time by its title, and passed, and title agreed to.

Mr. Fales, the principal Clerk of the H. of R. being introduced, returned bill No. 136, H. R. file, with the explanation required by the Council.

Bill No. 136, H. R. file, being again under consideration, with amendments of the H. of R. to amendments of Council.

Mr. Payne moved a call of the House, which was ordered, and absent members sent for. The amendments were then read, and,

Mr. Hepner moved that the Council do not concur therein. On which question, the yeas and nays are as follow:

Yeas—Messrs. Hepner, Inghram, Keith, Payne, and Ralston—5.

Nays—Messrs. Hempstead, Hughes, Lewis, Parker, Swazy, Whittlesey, and Mr. President—7.

So the motion was lost.

Mr. Hempstead then moved that the Council concur in said amendments. On which question the yeas and nays are as follow:

Yeas—Messrs. Hempstead, Hughes, Keith, Lewis, Parker, Swazy, Whittlesey, and Mr. President—8.

Nays—Messrs. Hepner, Inghram, Payne, and Ralston—4.

So the amendments were concurred in,

Mr. Parker moved that the Council adjourn until 6 o'clock this evening. On which question the yeas and nays are as follow:

Yeas—Messrs. Keith, Parker, and Whittlesey—3.

Nays—Messrs. Hempstead, Hepner, Hughes, Inghram, Lewis, Payne, Ralston, Swazy, and Mr. President—9.

So the motion was lost.

On motion of Mr. Lewis,

The Council adjourned.

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### Wednesday Morning, Jan. 23, 1839.

Mr. Hempstead offered the following:

Resolved, by the Council and House of Representatives of the Territory of Iowa, That the Secretary of the Territory is hereby authorized to pay the sum of one thousand dollars rent, to the Trustees of the Methodist Church, in the city of Burlington, or to any person or persons duly authorized to receive the same, for the use of the building now occupied by the Legislative Assembly;—which was,



On motion of Mr. Hepner,  
Laid upon the table.

Mr. Hempstead offered the following:

Resolved, That Jesse B. Browne, President of the Council, receive the sum of three dollars per day, extra pay, for his services during the present session of the Legislature; and that the Secretary of the Territory is hereby authorized to pay the same.

On the adoption of which, the yeas and nays are as follow:

Yeas—Messrs. Hempstead, Hepner, Hughes, Keith, Lewis, Parker, and Swazy—7.

Nays—Mr. Payne—1.

The following resolution offered by Mr. Hughes, some time since, and laid upon the table, was taken up, read, and adopted:

Resolved, That the Council and House of Representatives of the Territory of Iowa, adjourn on Friday next, at 10 o'clock, A. M.

Mr. Hempstead, from the judiciary committee, to which was referred the following entitled acts, viz:

An act to provide for organizing the Legislative Assembly, &c.

An act for the relief of the poor; H. R. file, and

An act to regulate descents, distribution and dower; and

An act passed by the Wisconsin Legislature, approved January 16th, 1838, and for other purposes; Council file,

Reported the same back to the Council without amendment, and recommended the indefinite postponement of said bills; which report was concurred in, except as to bill No. 54, Council file, which was not concurred in, and on which question the yeas and nays are as follow:

Yeas—Messrs. Hempstead, Parker, and Mr. President—3.

Nays—Messrs. Hepner, Hughes, Inghram, Keith, Lewis, Payne, Ralston, Swazy, and Whittlesey—9.

Mr. Hempstead, from the judiciary committee, to whom was referred An act (H. R. file,) to restrain unincorporated banking associations, reported the same back to the House with sundry amendments, which were concurred in by the Council.

The following message from the H. of R. by Mr. Fales, their Chief Clerk:

“MR. PRESIDENT—

I am directed to inform the Council that the House of Representatives have passed, without amendment, bills, Council file, of the following titles, to wit:

No. 55, An act concerning minors, orphans, and guardians.

No. 56, An act concerning reference to arbitration, by agreement, &c.

No. 57, An act to incorporate the town of Davenport.

No. 58, An act to authorize the holding of District Courts in the county of Jefferson.

Also, with amendments,



No. 53, An act to authorize Aaron White to keep a ferry across the Mississippi river, at the town of Fort Madison.

The House have also passed the following entitled acts:

No. 44, An act concerning the seat of justice of Scott county.

No. 150, An act supplementary to An act to incorporate the Bloomington and Cedar river canal company.

No. 154, An act to authorize the Governor to call a special session of the Legislative Assembly.

Also, a joint resolution, authorizing pay to James Clark & Co. for newspapers furnished the Legislative Assembly.

In all of which the concurrence of the Council is requested.

I am also directed to present for your signature:

An act to establish the several seminaries therein named.

An act relative to proceedings in chancery.

An act fixing the time and place for the annual meeting of the Legislative Assembly.

An act regulating the action of replevin.

An act to authorize Hiram C. Smith and ——— Cordell to erect a dam across Skunk river.

The same having been signed by the Speaker of the House of Representatives.

Bill No. 54, Council file, An act to repeal an act passed by the Wisconsin Legislature, approved Jan. 16th, 1838, and for other purposes, being under consideration, as reported by the committee of the whole, without amendment, was ordered to a third reading.

On motion of Mr. Parker,

The following entitled acts of the House of Representatives were taken up, viz:

An act to incorporate the Burlington and Iowa river Turnpike company, No. 122.

An act to organize the county of Jones, and establish the seat of justice thereof, No. 121.

An act concerning Bills of Exchange, No. 118.

An act to provide for the appointment of a Territorial Treasurer, and defining his duties, No. 103.

An act to provide for the admission of Attorneys and Counsellors at Law, No. 127.

An act to locate a Territorial road from Du Buque to Keosauqua, in Van Buren county, No. 120.

An act to incorporate the Lyceums herein named.

An act for the benefit of Des Moines county; and

An act to provide for the sale of the land on which the seat of justice for the county of Muscatine is located, No. 139;

And, on his motion, the first reading of said bills was dispensed with, and said bills were then severally read a second time, and considered in committee of the whole, Mr. Lewis in the chair. The committee rose, and by their chairman reported No. 127, 122, 118, 121, 103, 153,



without amendment, and No. 120 with one amendment, and asked to be discharged from the further consideration of No. 139.

Mr. Payne asked that the question on concurring in said report, be put upon the bills severally; which was agreed to, and the report in relation to bill No. 139, was concurred in, and

On motion of Mr. Lewis,

Said bill was laid on the table until this afternoon.

And the report of the committee in relation to bills No. 127, 122, 118, 121, 103, 153, and 120, were severally concurred in; and thereupon bills No. 122, 103, 118, and 121, were severally read a third and passed, and the titles agreed to.

On motion of Mr. Swazy,

Bill No. 16, An act for the benefit of Des Moines county, was referred to a select committee, to consist of one member from each electoral district; and

The chair appointed Messrs. Swazy, Hempstead, Hughes, Parker, Ralston, and Whittlesey.

On motion of Mr. Parker,

Bill No. 127, was referred to the judiciary committee.

On motion of Mr. Hempstead,

The memorial (of the H. of R.) to the President of the U. S. asking a removal of His Excellency, Robt. Lucas, Governor of the Territory of Iowa, was made the order of the day for to-morrow, at 11 o'clock, A. M.

On motion of Mr. Hughes,

The Council adjourned until 2 o'clock, P. M.

## 2 O'CLOCK, P. M.

Bill No. 61, H. R. file, An act to restrain unincorporated banking associations, was taken up, and

On motion of Mr. Parker,

The 16th standing rule of the Council was suspended, and the bill was read a third time and passed and title agreed to.

Mr. Parker, from the committee on enrolments, reported An act organizing the county of Washington, &c. correctly enrolled.

Mr. Hepner presented the account of E. Lowe, P. M.; which was referred to the committee on expenditures.

On motion of Mr. Payne,

Bill No. 54, Council file, was taken up and read, and

On motion of Mr. Inghram,

The bill was referred to a select committee.

The chair announced Messrs. Inghram, Parker, and Lewis, said committee.

The following message from the House of Representatives by Mr. Fales, their Chief Clerk:



"MR. PRESIDENT—

The House of Representatives have passed the following entitled acts:

No. 74, An act organizing the county of Clinton, and to provide for the location of the seat of justice thereof.

An act to provide for the compensation of sheriffs of the different counties for ordering elections, &c., with an amendment agreeable to the suggestions of the Governor.

Also, bills of the Council with amendments:

No. 16, An act for the limitation of actions, and for avoiding vexatious law suits.

No. 51, An act to establish a ferry across the Mississippi river at Fort Madison.

In which the concurrence of the Council is requested.

I also present for your signature,

An act concerning costs and fees.

An act to incorporate the town of Bloomington.

An act providing for the relief of the sheriffs of Scott and Lee counties.

An act for the relief of the sheriff of Cedar County.

A memorial to Congress on the subject of settlements on the school lands. All of which have been signed by the Speaker of the House of Representatives."

Which were then signed by the President of the Council.

Bill No. 149, H. R. file, An act to re-locate the county seat of Van Buren county.

On motion of Mr. Inghram,

The first reading of the bill was dispensed with, and read a second time by its title, and

On motion of Mr. Swazy,

Said bill was referred to a select committee, to consist of one from each electoral district.

The chair announced Messrs. Swazy, Hempstead, Hepner, Hughes, Keith, Parker, and Whittlesey, said committee.

Bill No. 112, H. R. file, An act to preserve good order in all worshipping congregations in this Territory, was taken up and read.

Mr. Lewis then moved to postpone indefinitely said bill; on which question the yeas and nays are as follow:

Yeas—Messrs. Hempstead, Lewis, Ralston, Whittlesey, and Mr. President—5.

Nays—Messrs. Hughes, Inghram, Keith, Parker, Payne, and Swazy—6.

So the motion was lost.

The bill was then considered in committee of the whole, Mr. Parker in the chair. The chairman reported the bill with amendments, which were concurred in, and the bill read a third time and passed.

On motion of Mr. Parker,



The title was amended by striking out the words "and societies," and the title, as amended, agreed to.

Mr. Parker asked and obtained leave to introduce, at this time, A Bill (No. 59, Council file,) to provide for the management and safe keeping of the Territorial Library; which was read a second time, (the first reading thereof being dispensed with,) and considered in committee of the whole, Mr. Whittlesey in the chair. The chairman reported the bill with sundry amendments, which were concurred in, and,

On motion of Mr. Parker,

The rules requiring bills to be printed and engrossed, were suspended, and the bill read a third time, and passed, and title agreed to.

Bill No. 41, H. R. file, An act subjecting real and personal estate to execution, being returned from the H. of R. with their disagreement to amendments made by Council to 12th and 23d sections of said bill, the same being under consideration,

Mr. Hempstead moved a call of the House, which was ordered, and after some time,

Mr. Hempstead moved that the further call of the House be suspended; which was not agreed to.

Mr. Whittlesey then moved that the further call of the House be suspended; which was agreed to.

Bill No. 130, H. R. file, An act to provide for the collection of taxes off the half breed lands in Lee county; also,

Bill No. 119, H. R. file, An act to provide for the regulation of Turnpike companies, was taken up, the first reading of both dispensed with, and the said bills severally read a second time, and considered in committee of the whole, Mr. Inghram in the chair. The chairman reported No. 130 without amendment, and No. 119 with amendments; No. 130 was read a third time, and on the question, "shall the bill pass?" the yeas and nays are as follow:

Yeas—Messrs. Hepner, Hughes, Inghram, Keith, Lewis, Payne, Ralston, Swazy, Whittlesey, and Mr. President—10.

Nays—Messrs. Hempstead and Parker—2.

So the bill passed, and title agreed to.

The amendments to No. 119, in committee of the whole, were concurred in.

Mr. Payne then moved to postpone indefinitely said bill, No. 119, on which question the yeas and nays are as follow:

Yeas—Messrs. Hempstead, Hughes, Keith, Lewis, Payne, and Swazy—6.

Nays—Messrs. Hepner, Inghram, Parker, Ralston, Whittlesey, and Mr. President—6.

So the motion was lost.

Mr. Whittlesey then moved to lay the bill on the table; which was agreed to.



On motion of Mr. Whittlesey,  
The Council adjourned until half after 6 o'clock, this evening.

6½ O'CLOCK, P. M.

Bill No. 41, H. R. file, was again under consideration, and the motion to recede from the amendments, (which motion was pending when said bill was laid over during afternoon session.

Mr. Whittlesey moved a call of the House, which was ordered.

Mr. Lewis moved that the further call be dispensed with; which was agreed to.

The question being then put, as above pending, on which question the yeas and nays are as follow:

Yeas—Messrs. Hempstead, Lewis, Parker, and Mr. President—4.

Nays—Messrs. Hepner, Keith, Payne, Ralston, and Whittlesey—5.

So the motion was lost.

Mr. Whittlesey then moved that the Council insist on said amendment; which was agreed to.

Mr. Whittlesey moved that a committee of conference be appointed in relation thereto; which was agreed to.

The chair announced Messrs. Whittlesey, Parker, and Payne, said committee.

Mr. Hempstead then moved that the Council insist on their amendment to the 23rd section of said bill; which was agreed to.

Mr. Hempstead moved that a committee of conference be appointed in relation thereto; which was agreed to.

The chair announced Messrs. Hempstead, Hepner, and Payne, said committee.

Bill No. 92, H. R. file, An act establishing certain Territorial roads, being returned from the H. of R. with their disagreement to amendments made by Council to sections 1, 10, 15, 16, and the 1st amendment to section 9 of said bill, which amendments being read, the Council insisted upon their amendments to the 1st, 9th, and 10th sections, and receded from their amendments to the 15th and 16th sections of said bill; and on the question to insist on the amendment to the 1st section, the yeas and nays are as follow:

Yeas—Messrs. Hughes, Keith, Parker, Payne, Ralston, Whittlesey, and Mr. President—7.

Nays—Messrs. Hempstead, Hepner, and Lewis—3.

Mr. Parker then moved that a committee of conference in relation to the foregoing disagreement of the two Houses be appointed.

The chair announced Messrs. Parker, Hughes, and Lewis, said committee.

Bill No. 99, H. R. file, An act providing for and regulating general elections in this Territory, being returned from the H. of R. with their disagreement to amendments made by Council to sections 9, 10, 12, 14, 25, and 28 of said bill, the same being severally read, the



Council receded from their amendments to the 9th and 12th sections, and insisted upon all their other amendments to said bill.

Mr. Payne then moved that a committee of conference be appointed in relation thereto.

The chair announced Messrs. Payne, Parker, and Keith, said committee.

Bill No. 42, Council file, An act to legalize the acts of County Commissioners, being returned from the H. of R. with an amendment, and

On motion of Mr. Parker,

The Council concurred in said amendment.

Bills No. 140, An act to incorporate the Keosauqua Lyceum;

151, An act concerning seals;

154, An act to authorize the Governor to call a special session of the Legislative Assembly;

146, An act to improve the police of the city of Burlington;

123, An act regulating the issuing of writs of ne exeat and injunctions;

141, An act providing for the recording of town plats; and

145, An act to provide for the sale of land located upon by the county commissioners of Henry county, &c.

Were severally read a second time, (the first reading having been dispensed with,) and considered in committee of the whole, Mr. Hempstead in the chair. After some time spent in consideration of the same, the committee rose, and by their chairman reported No. 140, 151, 87, 154, 146, and 123, without amendment, and No. 141 and 145 with amendments; the report of the committee was concurred in, and bills No. 140, 151, 87, 154, 146, 123, 141, and 145, were severally read a third time and passed, and the titles of said bills agreed to.

Bill No. 87, H. R. file, was,

On motion of Mr. Parker,

Referred to the committee on the judiciary.

The following message from the House of Representatives, by Mr. Fales, their Chief Clerk:

"MR. PRESIDENT—

I am instructed to inform the Council that the House of Representatives have passed the following entitled acts, viz:

No. 155, An act to prevent forcible entry and detainer.

No. 156, An act to provide for a Territorial Revenue.

In which the concurrence of the Council is requested.

The House have also passed a resolution authorizing the Secretary of the Territory to take charge of the furniture now in the possession of the Legislature, until the next session.

I also present for your signature the following entitled acts, which have been signed by the Speaker of the House of Representatives:

An act to incorporate the Burlington and Iowa river Turnpike company.

An act to organize the county of Jones, and for other purposes, and



An act to establish the boundary lines of Washington county, and for other purposes.

Said bills were then signed by the President of the Council.

Mr. Whittlesey moved to re-consider the vote receding from the amendment made by Council to the 15th section of bill No. 92, H. R. file, which was agreed to; and then moved that the Council insist upon said amendment, and be referred to the same committee of conference appointed in relation to said bill; which was agreed to.

Bill No. 51, Council file, An act to establish a ferry across the Mississippi river at Fort Madison, being returned from the H. of R. with amendments which were read and concurred in.

Bill No. 44, H. R. file, An act concerning the seat of justice of Scott county, was read, and

On motion of Mr. Parker, rejected.

Bill No. 40, Council file, An act to provide for the appointment of Notaries Public, &c. being returned from the House of Representatives with amendments, which were read and concurred in.

On motion of Mr. Keith,

The Council adjourned.

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### Thursday Morning, Jan. 24, 1839.

Mr. Hempstead offered the following:

Resolved, That the Secretary of the Council be allowed three hundred dollars for superintending the printing of the Journal of the Council, session 1838-'39, transcribing, revising, correcting, and indexing the same, and that the Secretary of the Territory is hereby authorized to pay the same; which was adopted.

Mr. Hempstead offered the following:

Resolved, That the Secretary of the Council be entitled to receive his per diem pay for six days after the adjournment, and that the Secretary of the Territory is hereby authorized to pay the same, which was adopted.

On motion of Mr. Ralston,

Resolved, That Enos Lowe, Postmaster at Burlington, be allowed the sum of one hundred and twenty-one dollars, for postage on letters, papers, &c., belonging to members of the Council.

Mr. Ralston offered the following:

Resolved, by the Council and House of Representatives of the Territory of Iowa, That the Trustees of the Methodist Church be allowed the sum of fifteen hundred dollars for the use of the building which the Legislature now occupy, and the Secretary of the Territory be requested to pay the above amount to Levi Hager, their legal Agent.



Mr. Hempstead moved to amend the resolution by striking out "fifteen hundred," and insert "one thousand."

Mr. Parker moved to amend the motion by inserting "twelve hundred," which was accepted; and on the question to agree to said amendment, the yeas and nays are as follow:

Yeas—Messrs. Hempstead, Hughes, Keith, Lewis, Parker, Swazy, Whittlesey, and Mr. President—8.

Nays—Messrs. Hepner, Inghram, Payne, and Ralston—4.

So the amendment was agreed to, and the resolution, as amended, was adopted.

Mr. Hughes offered the following:

Resolved, That the Council and House of Representatives of the Territory of Iowa, tender their thanks to the Hon. Wm. B. Conway, for his energetic exertions to fulfil the duties of his office, as Secretary of the Territory of Iowa, which was,

On motion of Mr. Lewis,

Laid upon the table until to-morrow morning.

The following message, from the House of Representatives by Mr. Fales, their Chief Clerk:

MR. PRESIDENT—

I am directed to present for your signature, the following acts, the same having been signed by the Speaker of the H. of R.

An Act to incorporate the Burlington and Des Moines Transportation Company.

An Act to preserve good order in all worshipping congregations in this Territory.

An Act for the election of Contables, and defining their duties.

An Act to provide for the appointment of a Territorial Treasurer, and defining his duties.

An Act concerning Bills of Exchange.

An Act to restrain unincorporated banking associations.

Said bills were then signed by the President of the Council.

Mr. Swazy, from the select committee appointed for that purpose, reported,

An Act, H. R. file, to district the several counties in this Territory for the election of County Commissioners, and,

An Act to re-locate the county seat of Van Buren county, with amendments. Also,

An Act for the benefit of Des Moines county, without amendment, which report was concurred in by the Council.

Mr. Lewis, from the joint committee on Enrolments, reported,

An Act to authorize the holding of the district courts in the county of Jefferson. Also,

An Act regulating Practice in the district courts of the Territory of Iowa, correctly enrolled. Also,

That they did, on yesterday, lay before the Governor, for his approval,



An Act for the relief of the sheriffs of Cedar county,

An Act fixing the time and place for the annual meeting of the Legislative Assembly.

An Act to authorize Hiram C. Smith and ——— Cordell, to erect a dam across Skunk river.

An Act providing for the relief of the Sheriffs of Lee and Scott counties.

An Act regulating the action of Replevin.

An Act to incorporate the town of Bloomington.

An Act concerning costs and fees.

An Act relative to proceedings in chancery; and,

A Memorial to Congress on the subject of School lands.

Mr. Inghram, from the select committee, to whom was referred,

An Act to repeal 'An Act passed by the Wisconsin Legislature, approved, Jan. 16th, 1838, and for other purposes,' reported the same back, with an entire substitute for the same, except the enacting clause, which report was concurred in.

Mr. Hempstead, from the committee on incorporations, to whom was referred the petition of George W. Jones, praying that a charter may be granted him to keep a ferry at the town of Du Buque, submit the following report:

That they have examined the said petition, and find it inexpedient to grant the prayer of said petitioner, as an act has been passed at the commencement of the present session, granting the privilege of keeping a ferry across the Mississippi river at the town of Du Buque to Timothy Fanning, a citizen of said place, said act having been passed in accordance with a petition signed by a majority of the inhabitants of the said town of Du Buque. Which report was concurred in.

Mr. Hempstead, from the committee on Expenditures to whom was referred the account of James G. Edwards, for printing for the Council, submit the following report:

That they have examined the said account, and find the same correct, and recommend that the same be allowed by the Council.

Resolved, by the Council, That James G. Edwards is hereby allowed the sum of eighty-five dollars and sixty-eight cents, for printing for the Council during the present session, and that the Secretary of the Territory is hereby authorized and required to pay the same; which was concurred in.

Mr. Hempstead, from the committee on Expenditures, to whom was referred the resolution in relation to an increase of the per diem of members of the Legislative Assembly, reported the same back to the Council, with the following amendment: After the words "per diem," insert the word "allowance;" which report was concurred in.

Mr. Hepner presented the account of James Clarke & Co., for printing done for the Legislative Council, which was referred to the committee on Expenditures.

The hour of 11 o'clock, which was specially set apart for the con-



consideration of the Memorial of the H. of R. asking the removal of Governor Lucas, the same was taken up, and after much debate,

Mr. Lewis moved to amend the Memorial by striking out as follow: "He has refused to converse with, or speak to, members of the Legislative Assembly, when waiting on his Excellency in relation to public business, with which they were charged by the body to which they belonged," which was agreed to, and on the question, on concurring in the memorial as amended, the yeas and nays are as follow:

Yeas—Messrs. Hempstead, Hepner, Hughes, Inghram, Lewis, Parker, and Ralston—7.

Nays—Messrs. Keith, Payne, Swazy, Whittlesey, and Mr. President—5.

So the Memorial was adopted.

On motion of Mr. Hughes,

The Council adjourned until 2 o'clock, P. M.

## 2 O'CLOCK, P. M.

The President submitted a communication of Wm. B. Conway, Secretary of the Territory, in relation to the forwarding of copies of Memorials, &c., which was,

On motion of Mr. Hempstead,

Referred to the committee on Expenditures.

Mr. Hempstead presented the account of J. G. Edwards for printing done for the Council. Referred to the committee on Expenditures.

Bill No. 149, H. R. file, 'An Act to re-locate the county seat of Van Buren county, and for other purposes,' was taken up and considered in committee of the whole, Mr. Swazy in the chair. The chairman reported the bill with amendments, which were concurred in, and the bill read a third time, and passed, and title amended by adding "and for other purposes," and agreed to, as amended.

Bill, No. 54, Council file, 'A Bill to repeal an act of the Wisconsin Legislature, entitled 'An Act for the partition of the Half-breed lands, &c., and An act supplementary thereto, &c., was taken up and considered in committee of the whole, Mr. Inghram in the chair. The chairman reported the bill without amendment, which was concurred in. The rule being suspended requiring bills to be engrossed, the bill was read a third time, and on the question "Shall the bill pass?" the yeas and nays are as follow:

Yeas—Messrs. Hepner, Inghram, Keith, Lewis, Payne, Ralston, and Swazy—7.

Nays—Messrs. Parker, and Mr. President—2.

So the bill passed, and the title was agreed to.

On motion of Mr. Lewis,

The Secretary of the Council is authorized and required to employ as many additional enrolling clerks as may be necessary.

On motion of Mr. Ralston,



Resolved, That Jas. Clarke & Co. be allowed the sum of one thousand and four dollars for newspapers furnished and printing done for the Council.

Bills 116, H. R. file, 'An Act for the benefit of Des Moines county, and,

No. 138, H. R. file, 'An Act to district the several counties in this Territory, for the election of County Commissioners,' were severally read, and considered in committee of the whole, Mr. Hepner in the chair. The chairman reported the same to the House without amendment, which report was concurred in, and

Bill No. 138, was read a third time, and passed, and title agreed to; and Bill No. 116, was,

On motion of Mr. Hughes,

Laid on the Table. The yeas and nays on which question, are as follow:

Yeas—Messrs. Hughes, Keith, Lewis, Parker, Payne, Swazy, and Mr. President—7.

Nays—Messrs. Hepner and Inghram—2.

Mr. Parker, from the committee of conference in relation to the disagreeing vote of the two houses, on Bill No. 92, H. R. file,

An Act establishing certain Territorial roads, report: That they have agreed to recede from the amendment of the Council to the 15th section of said bill, which report was concurred in.

A Memorial from the H. of R. to the Congress of the U. S. on the subject of the Half-breed lands, was read and concurred in.

A Memorial from the H. of R. to the Congress of the U. S. asking for the establishing certain Post routes, was read and concurred in.

Bill No. 48, Council file, An Act to establish the boundary lines of Du Buque county, &c., being returned from the H. of R. with amendments.

On motion of Mr. Hempstead,

The Council insist on their original bill.

The following message from the H. of R. by Mr. Fales, their Chief Clerk:

MR. PRESIDENT—

The House of Representatives have passed bill No. 59, Council file, with amendments. Also,

No. 54, Council file, An Act to repeal An Act of the Wisconsin Legislature, &c., without amendment.

Bill No. 16, Council file, 'An Act for the limitation of actions, and for avoiding vexatious law suits,' being returned from the H. of R. with amendments which were concurred in by the Council. Also,

An Act to provide for the compensation of Sheriffs, &c., being reported from the H. of R., with an amendment, in compliance with the Governor's suggestion; which amendment was concurred in by the Council.



A joint resolution providing for the compensation of James Clarke & Co., for printing, was,

On motion of Mr. Hempstead,

Rejected.

No. 53, Council file, A Bill to authorize Aaron White to keep a ferry, &c., being returned from the H. of R. with amendments, the same being read, were,

On motion of Mr. Hepner,

Concurred in.

Bill No. 155, H. R. file, 'An Act to prevent forcible entry and detainer,' was taken up, the first reading dispensed with, and the bill read a second time by its title. The rule then requiring bills to be considered in committee of the whole, was suspended, and the bill read a third time and passed, and title agreed to.

Bill No. 150, H. R. file, 'An Act to incorporate the Bloomington and Cedar River Canal Company,' was read, and,

On motion of Mr. Parker,

Rejected.

Mr. Whittlesey, from the committee of Conference, in relation to the disagreeing vote of the two Houses on the 12th section of an act subjecting real and personal estate to execution, report, That the committee on the part of the House have agreed to concur in the amendments of the Council to said 12th section.

Mr. Whittlesey, from the joint committee on Enrolments, reported, That that committee had presented to the Governor for his approval, on Tuesday the 22d inst.,

An Act concerning water crafts found adrift, lost goods, and stray animals.

An Act to authorize Jehu Carter to erect a dam across Big Cedar, in Jefferson county. And on Wednesday the 23d inst.

An Act for the incorporation of Public Libraries.

No. 156, H. R. file, 'An Act to provide for a Territorial Revenue,' was taken up, the first reading thereof dispensed with, and the bill read a second time by its title, and considered in committee of the whole, Mr Hempstead in the chair. The chairman reported the same without amendment, which report was concurred in, and the bill read a third time, and passed, and the title agreed to.

No. 59, Council file, 'An Act to provide for the management and safe keeping of the Territorial Library,' being returned from the H. of R. with amendments which were read, and the Council concurred in the first amendment to the 1st section, and the 3rd amendment to the 4th section, and have disagreed to the 2d amendment to the 3d section of said bill.

Bill No. 20, H. R. file, 'An Act relative to limited partnerships,' was taken up, and read a second time, (the first reading being dispensed with) and considered in committee of the whole, Mr. Lewis in the chair. The chairman reported the same without amendment, which



report was concurred in, and the bill read a third time, and passed, and title agreed to.

No. 158, H. R. file, A Bill entitled 'An Act supplementary to the act for assessing and collecting county revenue,' which was read, and,

On motion of Mr. Parker,

Rejected.

No. 157, H. R. file, 'An Act to prevent trespass, &c., on the settlers on the public domain,' &c., was taken up, and the first reading dispensed with, and the bill read a second time, and the 16th standing rule dispensed with, and the bill read a third time, and passed, and the title agreed to.

Mr. Hempstead, from the committee on Expenditures to whom was referred the account of James G. Edwards for publishing five hundred Reports of the Governor's Veto Message, for the Council, beg leave to report—

That they have examined the said account and believe that the same is correct and just, and would therefore recommend the adoption of the following resolution:

Resolved, That James G. Edwards is hereby allowed the sum of thirty-five dollars, as charged by him for printing 500 copies of the Report of the Governor's Veto Message, for the Council, and that the Secretary of the Territory is hereby authorized and required to pay the same. On the adoption of which Report, the yeas and nays are as follow:

Yeas—Messrs. Hempstead, Inghram, Keith, Lewis, Parker, Whittlesey, and Mr. President—7.

Nays—Mr. Payne—1.

So the report and resolution were adopted.

Mr. Inghram offered the following:

Resolved, That John C. Sleeth be allowed the sum of six dollars, for two days' cutting wood, and keeping fires in the Council Chamber,' which was adopted.

Bill No. 74, H. R. file, 'An Act organizing the county of Clinton, and to provide for the location of the seat of justice thereof,' and,

Bill No. 153, H. R. file, 'An Act to incorporate the Lyceums herein named,' were taken up, and the first reading thereof dispensed with, and the bills read a second time, and considered in committee of the whole, Mr. Payne in the chair. The chairman reported the bills to the House with sundry amendments, which were concurred in, and said bills severally read a third time, and passed, and titles agreed to.

Mr. Inghram asked and obtained leave of absence for Mr. Lewis, also, for Mr. Harris, Sergeant-at-Arms, during the remainder of the session.

Mr. Hepner, from the joint committee on Enrolments, report, that they have examined

An Act concerning Bail.



An Act to legalize the acts of County Commissioners.

An Act to establish a ferry across the Mississippi river at Fort Madison.

An Act to incorporate the Iowa Mutual Fire Insurance Company.

An Act defining crimes and punishments.

An Act concerning Minors, Orphans, and Guardians.

An Act in relation to bonds and other securities, and find the same correctly enrolled.

On motion of Mr. Hempstead,

The Council adjourned until 7 o'clock this evening.

### 7 O'CLOCK, P. M.

The following message from the H. of R. by Mr. Fales, their Chief Clerk:

MR. PRESIDENT—

I am instructed to invite the Council to meet in the Hall of the House of Representatives, this evening, at 8 o'clock, to proceed to an election of Commissioners to superintend the erection of a Penitentiary.

Mr. Payne offered the following:

Resolved, That all the Executive Journal of this Council, be published in the Iowa Territorial Gazette, which was not adopted.

Mr. Hempstead, from the Judiciary Committee, to whom was referred Bill No. 87, H. R. file, 'An Act for the revival of Statutes,' reported the same back to the House, with an amendment, which was concurred in; and,

On motion of Mr. Payne,

The 16th rule of the Council was suspended, and the bill, as amended, was read a third time, and passed; and,

On motion of Mr. Parker,

The title was amended, by striking out "revival," and inserting "repeal."

Mr. Payne moved to adjourn.

Mr. Hempstead moved a call of the House, which was ordered.

After some time,

Mr. Hempstead moved that the further call of the House be suspended, which was agreed to.

The following message from the House of Representatives, by Mr. Fales, their Chief Clerk,

MR. PRESIDENT—

The House of Representatives insist upon their amendment to Bill No. 48, Council file, 'An Act to establish the boundaries of the counties of Clayton, Fayette,' &c., and have appointed Messrs. Bailey, Coop, and Blair, a committee of conference.

The House also insist on their amendment to the 4th section of No.



59, Council file, 'An Act to provide for the management and safe keeping of the Territorial Library.

The House also disagree to the amendments made by the Council to No. 74, H. R. file, 'An Act to organize the county of Clinton, &c.'

Mr. Payne then renewed his motion to adjourn; on which question the yeas and nays are as follow:

Yeas—Messrs. Hepner, Hughes, Inghram, Payne, Ralston, and Whittlesey—6.

Nays—Messrs. Hempstead, Keith, Parker, and Mr. President—4.  
So the Council adjourned.

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### Friday Morning, Jan. 25, 1839.

On motion of Mr. Lewis,

Resolved, That Mr. Ralston of the Council, and Mr. Beeler of the House of Representatives, be authorized, and they are hereby requested to examine all acts which originated in this House, and which may be in the hands of the Enrolling Clerk, and unfinished at the adjournment of the Council, and present the same to the Governor for his approval.

Mr. Hepner, from the joint committee on enrolments, report,

An act to incorporate the town of Davenport;

An act for the limitation of actions, &c.

An act to repeal an act of the Wisconsin Legislature, concerning the half breed lands;

An act concerning reference to arbitration, &c.; and

An act to authorize Aaron White to keep a ferry across the Mississippi river, correctly enrolled.

The following message from the House of Representatives, by Mr. Fales their Chief Clerk:

"MR. PRESIDENT—

The House of Representatives have passed the following resolution:

Resolved. That the Council be invited to meet, forthwith, in the Hall of the House of Representatives, for the purpose of going into an election, by joint ballot, for commissioners to superintend the erection of the Penitentiary, at Fort Madison."

Which was concurred in, and

On motion of Mr. Lewis,

The Council repaired to the Hall of the House of Representatives, in compliance with said resolution.

The following message from the House of Representatives, by Mr. Fales, their Chief Clerk:



"MR. PRESIDENT—

The House of Representatives have passed the following entitled bill:

No. 159, An act to provide for the compensation of Printers of the Legislative Assembly, and for other purposes.

I also present for your signature:

An act to re-locate the county seat of Van Buren county, &c.

An act subjecting real and personal estate to execution.

An act to provide for a Territorial Revenue.

An act to prevent forcible entry and detainer; and

An act to district the several counties for the election of county commissioners.

The same having been signed by the Speaker of the House of Representatives.

Bill No. 48, Council file, being under consideration, was, on motion, laid upon the table.

Bill No. 59, Council file, being returned from the H. of R. with amendments, and the same being read and under consideration, were severally concurred in by the Council.

On motion of Mr. Inghram,

The chair was vacated for the space of twenty minutes, and

On motion of Mr. Inghram,

Mr. Keith was called to the chair; when,

On motion of Mr. Hempstead,

Resolved, That the Council tender their thanks to Jesse B. Browne, for the prompt, impartial, and efficient manner which he has presided over the Council during their present session.

On motion of Mr. Hempstead,

Resolved, That the Council tender their thanks to B. F. Wallace, for the correct and efficient manner in which he has discharged his duties as Secretary of the Council.

On motion of Mr. Hempstead,

Resolved, That the Council tender their thanks to Peter P. Loop, for the correct and efficient manner in which he has discharged his duties as Assistant Secretary of the Council;—when,

On motion of Mr. Inghram,

The President resumed the chair, and responded to the resolution of thanks, which the Council had just adopted by a unanimous vote.

The President submitted the following communication, from His Excellency, Robert Lucas:

EXECUTIVE DEPARTMENT, I. T. }  
Jan. 25th, 1839. }

*sk* To the Hon. Council of the Legislative Assembly:

GENTLEMEN—I have examined the bill submitted for my consideration, (which appears by endorsement to have originated in your



house,) entitled "An act to authorize the Legislative Assembly to punish for contempt, and to privilege its members from arrest."

The first section declares, "that each house of the Legislative Assembly shall have authority to punish, by fine and imprisonment, any person, not a member, who shall be guilty of any disrespect, by any disorderly or contemptuous behaviour," &c. and subjects the offender to a fine of two hundred dollars, and forty-eight hours imprisonment.

The second section declares, "that the members of the Council and House of Representatives, shall be privileged from arrest in all cases except *treason, felony, and a breach of the peace*, during their attendance at the sessions of their respective houses, and in going to and returning from the same; and from being questioned in any other place for any speech or debate in either house."

Inasmuch as no arrest is allowed by the laws of this Territory on civil process, I cannot see the necessity for this provision. It would surely add but little to the dignity of the Legislative Assembly, to exempt the members from arrest, for offences that do not come within the above exceptions—such as gambling, drunkenness, sabbath-breaking, profane swearing, and the various other vicious practices, in violation of municipal laws. My opinion has always been, that those who make laws, should be obedient to them.

I therefore cannot see the necessity, or even the propriety, of permitting members to violate them, by throwing themselves upon their privileges; neither do I think it would be advisable to clothe each branch of the Legislative Assembly with authority to accuse and judge in their own cases, with power to fine and imprison any person, not a member, that they might think had treated them with disrespect or contempt. For surely if a legislative body, or any of its members, should be guilty of conduct that would render them contemptible in public estimation, it would be wrong to fine and imprison a citizen for speaking the truth about them.

I cannot approve the bill with these provisions, and return it accordingly.

Very respectfully,

ROBERT LUCAS.

Which communication was ordered to be put upon the Journal, and that five hundred copies, together with the bill accompanying the same, be printed.

On motion of Mr. Parker, the resolution of thanks to Wm. B. Conway, was taken from the table, and amended, by adding, "And as Fiscal Agent of this Assembly," and as amended, adopted by unanimous vote of the Council.

Bill No. 159, H. R. file, 'An Act to provide for the compensation of Printers, &c., was taken up, the first reading dispensed with, and the bill read a second time by its title, and considered in committee of the whole, Mr. Inghram in the Chair.



The committee rose, and by their chairmain, reported the bill back to the Council without amendment, and asked to be discharged from the further consideration of the same, which was granted; and,

On motion of Mr. Parker,

The bill was referred to a select committee, with instructions to report this afternoon.

The chair announced Messrs. Hempstead, Ralston, and Swazy said committee.

On motion of Mr. Parker,

The Council adjourned until 2 o'clock, P. M.

## 2 O'CLOCK, P. M.

Mr. Hempstead, from the select committee, to whom was referred

An Act to provide for the compensation of Printers, &c. Reported the same back to the Council without amendment; which report was concurred in, and the bill read a third time, and passed, and title agreed to.

The following message from the H. of R. by Mr. Fales, their Chief Clerk:

MR. PRESIDENT—

I am instructed to present for your signature,

An Act providing for, and regulating general elections in this Territory.

An Act relative to Wills, and Testaments, and Executors, &c.

An Act to establish certain Territorial roads.

Memorial to the President of the United States, praying for the removal of Gov. Lucas.

I am also instructed to inform the Council, that the House of Representatives have adjourned *sine die*.

Mr. Whittlesey, from the joint committee on Enrolments, reported, That that committee had presented to the Governor, for his approval, the following entitled acts:

Council file. An Act to authorize Aaron White to keep a ferry across the Mississippi river, at the town of Fort Madison.

An Act concerning reference to arbitrators by agreement before a justices of the peace, or to referees by agreement before the District Court.

An Act to incorporate the town of Davenport.

An Act for the limitation of actions, and for avoiding vexatious law suits.

An Act to repeal an act of the Wisconsin Legislature, entitled,

An Act for the partition of the Half-breed lands, and an act supplementary thereto, &c.

An Act concerning Bail.

An Act to legalize the acts of County Commissioners.

An Act to legalize the acts of County Commissioners.



An Act concerning Minors, Orphans, and Guardians.

An Act to incorporate the Iowa Mutual Fire Insurance Company.

An Act defining crimes and punishments.

H. R. file. An Act regulating the issuing of writs of Ne Exeat and injunctions.

An Act relative to limited partnerships,

An Act to authorize the Governor to call a special session of the Legislative Assembly.

An Act regulating Mills and Millers, and for other purposes.

An Act to provide for the erection of a Penitentiary, and establishing and regulating prison discipline for the same.

On motion of Mr. Hempstead,

Resolved, That Doct. Dunlap, be and he is hereby employed to make duplicate copies of all resolutions relating to the payment of all moneys by the Secretary of the Territory, and that the Secretary of the Council is hereby required to certify, after examination, to the correctness of the same. And that the said Dr. Dulap shall receive for such services the sum of thirty-five dollars, which amount shall be paid by the Secretary of the Territory, upon the certificate of the Secretary of the Council, showing that the services have been rendered in accordance with this resolution.

On motion of Mr. Whittlesey,

The Council adjourned until Monday the 4th day of Nov. next.







# INDEX.

---

## ACCOUNTS, presented for

C. M. McDaniel,	-	-	-	-	127
G. W. Cummins,	-	-	-	-	127
Wm. A. Warren,	-	-	-	-	127
Frazer Wilson,	-	-	-	-	145
J. G. Edwards,	-	-	-	-	193, 208
Enos Lowe,	-	-	-	-	200

## ACTS AND BILLS, relative to

Agricultural Societies,	-	-	46, 49, 59, 62, 104
Assessing and collecting county revenue,	-	-	69, 189
do. do. Supplement,	-	-	211
Amendments and Jeofails,	-	-	196
Attorneys and Counselors,	-	-	199
Attachments, writs of	-	-	83, 108, 113, 120, 143
Apprentices and Servants,	-	-	84, 104, 114, 118, 141, 182
Administrators, public,	-	-	119, 121, 124, 125, 177, 182
Arbitration and Reference,	-	-	173, 190, 193
Bail,	-	-	178
Bills of Exchange,	-	-	199
Boats and Vessels, demands against,	-	-	70, 79, 85, 112
Burlington and Iowa River Turnpike Company,	-	-	199
Burlington, the police of the city of	-	-	204
Burlington Steam Mill Company, the	-	-	166
Burlington and Des Moines Transportation Company,	-	-	194, 195
Bribery, the punishment of,	-	-	112
Blacks and Mulattoes,	-	-	160, 164
Bloomington, the town,	-	-	173
Bloomington and Cedar River Canal Company,	-	-	135, 155, 210
Banking Associations,	-	-	115, 198, 200
Bonds and other securities,	-	-	170
Counties, the size of,	-	-	112, 117, 126, 137
County Registers,	-	-	42
County Commissioners,	-	-	61, 66, 94
County Commissioners, acts of,	-	-	131, 139, 204
County Commissioners, districts of,	-	-	173, 176, 209
Crimes and Punishments,	-	-	52, 118, 143, 144, 145, 149, 155, 172
Criminal Proceedings,	-	-	63, 64, 79, 80, 94, 100, 104, 115, 133, 139
Compensation of officers of Legislative Assembly,	-	-	68, 73, 79
Clinton and Scott counties,	-	-	161, 174



Clinton county,	-	-	-	211
Costs and Fees,	-	-	-	142, 148, 170
Clayton, Du Buque, &c, boundaries of the counties of				149, 159, 164, 209
Courts of Probate,	-	-	-	157, 177
Courts, Supreme and District,	82, 83, 93, 133, 136,			161
Contracts for improvements on public lands,				160, 171
Chancery, proceedings in,	-	-	-	165
Constables,	-	-	-	173
Clerks of District Courts,	-	-	-	106, 112
Depositions, taking,	-	-	39, 49, 57,	100, 104
Du Buque, the city of,	-	49, 55, 66, 67, 82,	124, 135,	168
Des Moines county, the boundaries of,				143, 146, 152, 153
Des Moines county,	-	-	-	199, 209
Mill Company,	-	-	-	157, 171
Descent, distribution, and dower,				85, 121, 146, 198
Debtors and their securities,	-	-	-	88, 90, 95, 108
Divorce,	-	-	-	91, 95, 119, 124
Dam, Meek & Sons,	-	-	-	115, 123, 193
Robert Wilson's,	-	-	-	139, 177, 182
Benj. Nye's,	-	-	-	141, 148, 156
Henry Eno's,	-	-	-	158, 177
H. C. Smith's,	-	-	-	171
Jehu Carter's,	-	-	-	186, 210
District Court in Muscatine Co.	-	-	-	154, 171
District Prosecutors,	-	-	-	159, 171
District Court in Jefferson county,	-	-	-	194, 206
Dead bodies, the burial of	-	-	-	166
Davenport, the town of,	-	-	-	190, 195
Elections, general,	-	69, 125, 160, 175,	176, 203	
Executions on real and personal estate,				134, 135, 149, 155, 156, 175, 202, 203, 210
Electoral districts and apportionment of members of H. of R.				170
Ferries,	-	-	-	84, 85, 112
Ferry, T. Fanning's,	-	-	-	50, 57, 62, 73
Usher & Groom's,		63, 100, 101, 102, 120,	125	
Williams & Warfield's,	-	-	-	69, 79, 94
D. W. Kilbourne's,	-	-	-	145, 147, 178, 182
Gaines & Co.'s	-	-	-	166
Leonard & Co.'s,	-	-	-	167
F. P. Bleving's,	-	-	-	167
Jos. Webster's,	-	-	-	175, 188, 205
A. White's,	-	-	-	185, 210
J. S. Kirkpatrick's,	-	-	-	81, 86, 100
Sullivan Davenport's,	-	-	-	84, 86, 100
Ralph Letton's,	-	-	-	105, 112, 135
Firing woods and prairies,	-	-	-	67, 69, 73, 187



Frauds, - - - - -	69, 85, 104, 111
Forcible entry and detainer, - - - - -	210
Grants of property for education, - - - - -	158, 171
Gambling, - - - - -	90, 99, 109, 114
Henry county, land in, - - - - -	204
Harriet Holmes, - - - - -	119
Henry & Jefferson Counties, - - - - -	77, 94, 157, 190
Horses, to the breed, - - - - -	160, 177
Illegitimate children, - - - - -	237
Interest, - - - - -	30, 35, 47, 99, 102, 120, 125, 187
Intercourse between Governor and Legislative Assembly, the	71, 75, 79, 104
Inclosures, - - - - -	173
Indians, selling liquor to, - - - - -	103, 104, 115, 133
Insane persons, - - - - -	121, 124, 137, 177, 182
Iowa Mutual Insurance Company, - - - - -	121, 247, 172
Jones county, - - - - -	199
Jurors, - - - - -	112, 122, 225, 139
Judgments and Executions, - - - - -	118
Justices of the Peace, - - - - -	148, 150, 190
Judges of Probate, - - - - -	173
Legislative Assembly, the organization of - - - - -	53, 197
Annual meeting of, - - - - -	64, 66, 116, 171
Special Session, - - - - -	204
Library, the Territorial, - - - - -	54, 57, 58, 77, 88, 91, 105, 108, 202, 210, 214
Libraries, public, - - - - -	125, 126, 137, 190
Limited partnerships, - - - - -	64, 210
Limitation of actions, - - - - -	68, 69, 75, 79, 209
Lyceums, the incorporation of, - - - - -	199, 204, 211
Linn county, - - - - -	159, 171
Laws and Journals, - - - - -	167, 175
Lee county, the county seat of, - - - - -	161, 174, 177, 187, 188
boundaries of, - - - - -	137, 143, 144, 156
Lotteries, - - - - -	176
Licenses for Merchants, - - - - -	71
Louisa county, the boundaries of, - - - - -	99, 101, 109, 145, 155
Mallet Rhoda, - - - - -	42
Militia, the - - - - -	46, 60, 78, 107, 133, 339,
Marriages, - - - - -	46, 49, 56, 62, 63, 72
Muscatine county, - - - - -	199
Mode of proof in courts of judgments by justices of the peace	
in the States, - - - - -	161, 171
Minors, Orphans, and Guardians, - - - - -	178, 189, 193
Mills and Millers, - - - - -	176, 177, 189
Mechanics' liens, - - - - -	83, 86, 100
Notaries Public, - - - - -	131, 205



Promisory notes, bonds, bills, &c.,	42, 51, 57, 60, 89, 133, 139
Pleas in abatement, &c.,	- - - 53
Partition of Half-breed lands,	- - - 208
Real property,	- - 122, 125, 139
Printers, the compensation of,	- - 215, 216
Punishment for contempt,	- 84, 86, 114, 120, 123
Poor, the relief of the,	- - 92, 93, 198
Petitioning the Legislature,	- 115, 146, 177, 182
Practice in the District Court,	- - 118, 134, 140
Plymouth Mill Company,	- 138, 146, 177, 182
Penitentiary,	- - 179, 183, 196, 197
Quo Warranto informations,	- 69, 78, 87, 112
Register of Deeds,	- - 47, 52, 62, 137, 178, 182
Roads, Territorial,	50, 57, 64, 120, 123, 161, 175, 203, 209
Road, from Fort Madison,	- 60, 62, 72, 88, 104
Du Buque to Keosauqua,	- - 199
Wapello and Black Hawk,	71, 76, 83, 87, 90, 118, 123
Oquawka Landing,	- - 72, 78, 79, 80
Keokuck,	- - 82, 86, 94
Rights of property,	- - 68, 69, 74, 89, 94
Right, the action of,	- - 100, 102, 104, 120
Roberts, Robert G.	- - 53, 56, 66, 81, 84
Replevin, the action,	- - 173
Supreme Court, first session of,	- - 53, 57
And District Courts,	82, 83, 93, 133, 136, 161
Surveyors, county,	- - 83, 86, 99, 109, 114
Standard of weight for grain,	- 84, 89, 99, 102
Securities of criminals,	- - 106, 112, 132
Steam Boats, disasters on,	- 107, 111, 118, 133, 139
Slaughter county,	- - 115, 121, 147
Seat of Government,	- 127, 129, 131, 132, 134, 139
(Supplement),	- - 185, 187, 190
Sheriff of Cedar county,	- - 178
Sheriffs of Lee and Scott counties,	- - 188
The compensation of,	- - 179, 209
Sheriffs,	- - 154, 166
Statutes, an interchange of,	- - 166
The construction of,	- 138, 148, 153, 178, 182
The revival (and repeal)	- - 212
Seminaries,	- - 166
Seminary in Louisa county,	69, 72, 78, 80, 114, 120, 123,
Schools, common,	- 69, 75, 78, 86, 93, 109, 114
Si-si-sa-man, a conveyance by,	- - 162, 164, 169
Scott county, seat of justice,	- - 205
Seals,	- - 204
Treasurer, Territorial,	- - 199



Treasurers, county,	-	-	63, 67, 80, 92, 107
Trespass on property,	-	-	67, 71, 76, 79
Public domain,	-	-	211
School lands,	-	-	82
Townships, the incorporation of,	-	-	88, 90, 100, 119
Territorial roads,	50, 57, 64, 120, 123, 161, 175, 203, 209		
Revenue,	-	-	210
Taxes on Half-breed lands,	-	-	202
Town plats,	-	-	204
Turnpike Companies,	-	-	202
Van Buren county, county seat of	-	-	201, 208
Vagrants,	-	-	196
Venue, changing,	-	-	118, 121, 125, 156, 182
Venders of unwholesome liquors and provisions,			103, 104, 119, 125
Washington county,	-	-	200
Writs of ne exeat and injunction,	-	-	204
Water craft, lost goods, &c.,	-	-	138, 145, 163, 190
Wisconsin, acts of,	84, 86, 94, 138, 186, 198, 199, 208		
Weights and measures,	-	-	115, 118, 133, 139
Weapons, wearing concealed,	-	-	105
Waste, the action of,	-	-	165
Wills and Testaments, Executors, &c.,	-	-	157, 186, 188
Worshiping congregations,	-	-	201
COMMITTEES of Conference,	61, 71, 92, 108, 111, 116, 118, 121, 134		
COMMUNICATION, from the Secretary of the Territory,			23, 30, 32, 42, 43, 45, 51, 117, 208
A. F. Russell,	-	-	24
S. C. Reed,	-	-	29
J. G. Edwards,	-	-	48, 64
Judges of Supreme Court,	-	-	51
L. Judson,	-	-	68, 124
H. W. Moore,	-	-	70
ELECTION OF OFFICERS,	-	-	20, 29
GOVERNOR'S MESSAGES,	-	-	4, 36, 110, 119, 150, 214
LEAVE OF ABSENCE, to Mr. Clark,	-	-	50, 73, 139
Assistant Messenger,	-	-	91
Mr. Payne,	-	-	100
Secretary,	-	-	174, 178
Mr. Lewis,	-	-	211
Sergeant-at-Arms,	-	-	211
MEMBERS QUALIFIED,	-	-	4, 27, 38
MEMORIAL, relative to arms and ammunition,	-	-	38, 43
Amendments to Organic Law,	65, 123, 133		
Appropriation for Leg. Ass'bly,	107, 109		
Gov. Lucas,	-	-	200, 207
Half-breed lands,	-	-	209



Indian title, extinguishment of,	53
Improvement of streams,	81, 95
Iowa and Cedar rivers,	116
Mineral lots,	83, 94
Mail from Davenport,	85, 88, 112
Post routes,	209
Penitentiary,	82, 98, 107, 133
Rail Road from Rockingham,	158
Skunk River,	158
Sixteenth section, settlers on,	149, 195
Smith, Jeremiah,	99, 118, 123
University, a	46, 47, 54, 59
MESSAGES, from House of Representatives,	22, 28
41, 45, 48, 50, 52, 55, 58, 60, 62, 65, 67, 70, 74, 75, 76,	
78, 80, 82, 85, 87, 90, 91, 92, 95, 101, 103, 105, 106, 111	
113, 114, 116, 120, 121, 127, 132, 134, 137, 139, 142, 143, 144,	
148, 149, 153, 156, 162, 164, 165, 169, 172, 176, 179, 181,	
184, 187, 194, 196, 198, 200, 204, 206, 209, 212, 213, 216,	
OFFICERS ELECTED,	20, 29
ORGANIZATION OF COUNCIL,	3
PETITION, presented for,	
Cedar county, citizens of	81
Des Moines county, do do.	87
Du Buque, do do.	114
Fanning, Timothy	23
Ferry at Wyoming, a	99
Henry county, citizens of	88
Holmes Harriet,	114
Jones, G. W.	186
Kennedy, Andrew	104
Mallet, Rhoda P.	29
Mason, Charles and others,	122
Perkins, Nancy R.	163
Webster Joseph,	167 8
REMONSTRANCE, presented for	
Des Moines county, citizens of	109
Slaughter county, do do.	135
REPORT, respecting Seals for Courts,	61
Miners' Bank,	96
Governor's Veto Message,	190, 195
Of committee of conference,	61, 118, 178
Incorporations,	207
Expenditures,	207, 211
RULES OF COUNCIL,	15
Joint,	26
RESOLUTION, relative to	
Adjournment,	35, 104, 187, 198



# INDEX.

225

Acts filed in Secretary's office,	-	-	149
Appropriation for a road, an,	-	-	42
Amendment to the Organic Law,	-	-	155
Committee of Conference,	-	-	59
Paying bank,	-	-	137, 156
Committee on Vetoes,	-	-	152
Conference with Governor,	-	-	68
Convention of both Houses,	-	-	76
Contempt, punishment for,	-	-	81
Clarke & McKenny,	-	95, 116, 119, 209, 210	
County Commissioners, board of	-	-	108
Officers, election of	-	-	113
Duplicate copies of resolutions,	-	-	216
Door Keeper, duties of the,	-	-	44
Enacting clause of Laws,	-	-	30
Edwards, J. G.	-	66, 207, 211	
Executive journal, the	-	-	212
Furniture, the	-	24, 48, 42	
Franking privilege,	-	-	41
Fairchild, Dr. O.	-	-	47, 53
Fiscal Agent,	-	113, 116, 12	
Governor's Message, the	-	20, 25, 31, 39, 40, 43	
Approval of acts,	-	58, 59	
Governor, conference with the,	-	-	68
Governor Lucas,	-	-	80
Garrigues, John M.	-	-	183
Half Breed lands,	-	-	168
Hour of meeting,	-	-	124
Intercourse bill,	-	77, 80	
Jacobs, C. S.	-	-	24
Judges of Supreme Court,	-	41, 113, 116, 170	
Journal,	-	-	42
Judson L.	-	126, 138, 146	
Laws of Wisconsin,	-	41, 47, 48	
Michigan,	-	-	41
Lowe, Enos	-	-	205
Loop, P. P.	-	-	214
Ministers of the gospel,	-	-	28
Maps of Iowa,	-	44, 68	
Miners' Bank of Du Buque,	-	-	56
Mail from Davenport,	-	65, 66	
Moore, H. W.	-	-	72
Messengers,	-	-	82
Maps,	-	-	146
Memorials, copies of,	-	158, 171	
Newspapers,	-	15, 86	
New business,	-	-	147



Organic law,	-	-	15, 27
Officers, compensation of	-	-	70, 71, 84
Duties of	-	-	102
Prayer, opening session by,	-	-	23
Postage,	-	-	24
Printing,	-	-	25, 41, 46, 59
Bills,	-	-	46, 70
Penitentiary,	-	-	39
Printers, public	-	-	80
Per diem pay of members,	-	-	169
President,	-	-	214
Extra pay to,	-	-	198
Roads, Territorial	-	-	41
Rules,	-	-	15, 20, 25, 27, 71
Road from Fort Madison,	-	-	52
Rochester,	-	-	60
Wapello,	-	-	64
Rail Road from Du Buque,	-	-	179
Rent for Legislative hall,	-	-	197, 205
Reporter of Sup. Court,	-	-	141, 182
Russell & Reeves' bond,	-	-	168
Rescinding 14th rule,	-	-	168
Standing committees appointed,	-	-	23
Standing committees,	22, 27, 32, 55, 59, 89, 102, 113	-	
Secretary of Ter. com. from	35, 40, 49, 58, 117	-	
Territory,	-	-	206, 205
Council,	-	-	160, 205, 208, 214,
Sleeth, John C.	-	-	211
Seat of Government, vote for,	-	-	183
Land for	-	-	179, 190
Surveying lands,	-	-	137, 156
Statutes, interchange of,	-	-	92, 99
Seals for courts,	-	-	61, 89
Great,	-	-	44, 48
Stationery,	-	-	47
Seminary of learning,	-	-	39
Territorial Roads,	-	-	41
Unfinished business,	-	-	213
Veto and qualified approvals,	-	-	141
Wisconsin, Organic Law of	-	-	27
Laws of	-	-	41, 47, 48
Standing committees appointed,	-	-	23



JOURNAL  
OF  
THE COUNCIL

OF THE  
SECOND LEGISLATIVE ASSEMBLY

OF THE  
TERRITORY OF IOWA,

Begun and held at the City of Burlington, on the Fourth day of November, one thousand eight hundred and thirty-nine.

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BURLINGTON :  
JAMES G. EDWARDS, PRINTER.

1839.



# THE COUNCIL

SECOND LEGISLATIVE ASSEMBLY

REPORT OF THE

COMMISSIONER OF THE CITY OF BOSTON, FOR THE YEAR 1890

AND THE CITY OF NEW YORK, FOR THE YEAR 1890

BURBANK, CALIF.  
JAMES A. BURBANK, PUBLISHER

1891



# JOURNAL OF THE COUNCIL

OF THE

## LEGISLATIVE ASSEMBLY OF IOWA TERRITORY,

BEGUN and held at the city of Burlington, in the county of Des Moines, in the said Territory, on Monday, the 4th day of November, in the year of our Lord, one thousand eight hundred and thirty-nine, convened under the provisions of an act of the Legislative Assembly of the Territory of Iowa, approved the 23d day of January, 1839.

The House having been called to order and it appearing that the members generally were in attendance.

On motion of Mr. Hepner,

WARNER LEWIS, Esq., was appointed President, pro tem.

On motion of Mr. Payne,

B. F. WALLACE was appointed Secretary, pro tem.

On motion of Mr. Hempstead,

G. W. Harris was appointed Sergeant-at-arms, pro tem.

On motion of Mr. Hughes,

G. W. Patterson was appointed Door-keeper, pro tem.

On motion of Mr. Browne,

John N. Hetzel was appointed assistant Secretary, pro tem.

On motion of Mr. Hempstead,

William Smith was appointed assistant Door-keeper.

On motion of Mr. Inghram,

Samuel Parker was appointed Messenger, pro tem.

On motion of Mr. Payne,

Resolved, That a committee of two be appointed, to inform the House of Representatives, that the Council is now organized, pro tempore, and ready to receive communications.

The chair appointed Messrs. Payne and Parker, said committee.

Mr. Payne, from the committee appointed to inform the House of the pro tempore organization of the Council, reported that they had performed that duty.

Mr. Parker offered the following:

Resolved, That a committee of two be appointed, in conjunction with a similar committee, to be appointed on the part of the House, to wait upon his Excellency the Governor of the Territory, and inform him, that the members of the two Houses of the Legislative Assembly are now convened and in organization pro tempore, ready to receive any communication that he may have to make to them.



Which was adopted, and  
The chair appointed Messrs. Parker, Ralston and Hughes, said committee.

Mr. Payne moved, That the Council do now proceed to the election of a President.

On which question Mr. Hempstead called for the yeas and nays, and are as follow:

Those who voted in the affirmative are Messrs. Browne, Hughes, Inghram, Keith, Lewis and Payne—6.

Those who voted in the negative, are Messrs. Hempstead, Hepner, Parker and Ralston—4.

On motion of Mr. Inghram,

The Council adjourned until 10 o'clock to-morrow morning.

## Tuesday Morning, Nov. 5, 1839.

The Council met pursuant to adjournment.

Mr Hempstead moved

That the rules adopted for the government of the Council at the last session, be adopted for the government of the Council until otherwise ordered.

On motion of Mr. Hempstead,

Resolved, That the Secretary of the Council is hereby empowered and authorised to make arrangements immediately with the Post Master of the city of Burlington, relative to the postage on all letters, papers and documents which shall be received or transmitted by the members of the Council through said office during the present session, and that the Post Master be requested to keep a true and correct account of all postage of the members of the Council, during the session, together with the charge for keeping said account, and trouble connected with the same, and that he transmit to the Council at the close of the session his said account for allowance.

Mr. Hempstead presented the petition of George W. Jones, asking a Ferry privilege across the Mississippi River at the town of Du Buque, which was, on his motion laid on the table.

On motion of Mr. Hepner,

The Council proceeded to the election of a President. Messrs. Keith and Clark acting as tellers.

The ballots being taken and counted, it appeared that Arthur Inghram, had 5 votes, J. B. Browne, 2 votes, Stephen Hempstead 2 votes, L. B. Hughes, 1 vote, G. Hepner, 1 vote and Blank, 1 vote, and it appearing that no one had received a majority of the whole number of votes,



On motion of Mr. Payne,

The Council proceeded to a second balloting. Messrs. Payne and Whittlesey, acting as tellers. The ballots being taken and counted, it appeared that Arthur Inghram had 5 votes, Stephen Hempstead 5 votes and L. B. Hughes 2 votes. No one having received a majority of the whole number of votes given,

On motion of Mr. Clark,

The Council proceeded to a third balloting. Messrs. Hepner and Parker acting as tellers.

The ballots being taken and counted, it appeared that Arthur Inghram had 5 votes, Stephen Hempstead 5 votes, L. B. Hughes 1 vote and G. Hepner 1 vote. No one having received a majority of the whole number of votes given, a choice was not made, and

On motion of Mr. Clark,

The election of President was postponed until to-morrow.

On motion of Mr. Clark,

The Council proceeded to the election of a Secretary, Messrs. Hempstead and Browne acting as tellers.

The ballots being taken and counted, it appeared that B. F. Wallace had received 11 votes, and Blank 1.

B. F. Wallace having received a majority of the whole number of votes given, was declared duly elected Secretary to the Council.

On motion of Mr. Hempstead,

The Council proceeded to the election of an assistant Secretary. Messrs. Payne and Whittlesey acting as tellers.

The ballots being taken and counted, it appeared that J. N. Hetzel had received 4 votes; Bradford had received 5 votes; B. C. Tiffany had received 2 votes; and William Turner 1 vote. No one having received a majority of the whole number of votes, a choice was not made, and

On motion of Mr. Hempstead,

The Council proceeded to a second balloting for Assistant Secretary, Messrs. Hughes and Keith acting as tellers.

The ballots being taken and counted, it appeared that J. N. Hetzel had received 4 votes; Bradford 4 votes; B. C. Tiffany 3 votes; and William Turner 1 vote. No one having received a majority of the whole number of votes given, a choice was not made, and

On motion of Mr. Parker,

The Council proceeded to a third balloting for Assistant Secretary. Messrs. Parker and Hempstead acting as tellers.

The ballots being taken and counted it appeared that J. N. Hetzel had received 5 votes; Bradford 3 votes; B. C. Tiffany 2 votes; and Charles Weston 2 votes. No one having received a majority of the whole number of votes given, a choice was not had, and

On motion of Mr. Hepner,

The election of Assistant Secretary was postponed until to-morrow.

On motion of Mr. Hempstead,

The Council proceeded to the election of an Enrolling Clerk, Messrs. Clark and Ralston acting as tellers.

The ballots being taken and counted it appeared that A. L. McCray had received 10 votes; Mr. Reed 1 vote; and Mr. Brown 1 vote. A. L.



McCray having received a majority of the whole number of votes given, was declared duly elected Enrolling Clerk to the Council.

On motion of Mr. Whittlesey,

The Council proceeded to the election of a Recording Clerk, Messrs. Inghram and Browne acting as tellers.

The ballots being taken and counted it appeared that L. Parkhurst had received 4 votes; Edward Campbell 4 votes; Wm. P. Cowperthwait 3 votes, and Mr. Shepherd 1 vote. No one having received a majority of all the votes given, a choice was not had, and

On motion of Mr. Parker,

The Council proceeded to a second balloting, Messrs. Whittlesey and Hempstead acting as tellers.

The ballots being taken and counted, it appeared that L. Parkhurst had received 7 votes, Edward Campbell 2 votes, and Mr. Shepherd 3 votes. Mr. Parkhurst having received a majority of all the votes given, was declared duly elected Recording Clerk to the Council.

On motion of Mr. Hempstead,

The Council proceeded to the election of an Engrossing Clerk, Messrs. Clark and Ralston tellers.

The ballots being taken and counted, it appeared that Wm. P. Cowperthwait received the whole number of votes given, and was declared duly elected Engrossing Clerk to the Council.

On motion of Mr. Clark,

The Council proceeded to the election of a Sergeant at Arms. Messrs. Payne and Hepner acting as tellers.

The ballots being taken and counted, it appeared that G. W. Harris had received 10 votes, and Wm. M. Devoe 2 votes. G. W. Harris having received a majority of the whole number of votes given, was declared duly elected Sergeant at Arms to the Council.

On motion of Mr. Hepner,

The Council proceeded to the election of a Doorkeeper, Messrs Browne and Hughes acting as tellers.

The ballots being taken and counted, it appeared that Berryman Jennings had received 6 votes, and G. W. Patterson 5 votes. Berryman Jennings having received a majority of the whole number of votes given, was declared duly elected Doorkeeper to the Council.

On motion of Mr. Hempstead,

The Council proceeded to the election of an Assistant Doorkeeper, Messrs. Ralston and Parker acting as tellers.

The ballots being taken and counted, it appeared that William Smith had received 11 votes, and blank 1. William Smith was declared duly elected Assistant Doorkeeper to the Council.

On motion of Mr. Parker,

The Council proceeded to the election of a Messenger, Messrs. Whittlesey and Keith acting as tellers.

The ballots being taken and counted, it appeared that G. W. Patterson had received 11 votes, and blank 1.

G. W. Patterson was declared duly elected Messenger to the Council.

The following message was received from the House of Representatives, by Mr. Fales, their chief Clerk.



I am instructed to inform the Council, that the House of Representatives have appointed Messrs. Hastings and Biggs to act in conjunction with a similar committee appointed on the part of the Council, to wait upon his Excellency the Governor, and inform him that the two Houses are organized and ready to receive any communication he may have to make to them.

Messrs. Hawkins and Bailey, a committee from the House of Representatives, being introduced, informed the Council that the House was now organized and ready to proceed to legislative business.

On motion of Mr. Ralston,

The Council proceeded to the election of an Assistant Messenger, Messrs. Parker and Hughes acting as tellers.

The ballots being taken and counted, it appeared that G. W. Howe had received 9 votes, and William Cooper 3.

G. W. Howe having received a majority of all the votes given, was declared duly elected Assistant Messenger to the Council.

On motion of Mr. Whittlesey,

The Council proceeded to the election of a Fireman, Messrs. Inghram and Whittlesey acting as tellers.

The ballots being taken and counted, it appeared that Absalom Badgely had received seven votes, and Mr. Brunson 5.

Absalom Badgely having received a majority of all the votes given, was declared duly elected Fireman to the Council.

On motion of Mr. Hempstead,

The Council adjourned until 2 o'clock P. M.

## TWO O'CLOCK, P. M.

On motion of Mr. Payne,

Resolved, By the Council that the Secretary of the Territory, be requested to furnish each member of the Council with a copy of the Acts of the first session of the Legislative Assembly of the Territory of Iowa.

Mr. Parker from the joint committee appointed to wait upon his Excellency the Governor of the Territory, and inform him of the organization of the two Houses, &c. report that they have performed that duty, and that it will be the pleasure of the Governor to communicate his annual message to the two Houses respectively at 3 o'clock, this afternoon.

On motion of Mr. Payne,

The following officers elect of the Council were brought forward and sworn into office viz:

B. F. Wallace, Secretary,  
A. L. McCray, Enrolling Clerk,  
Lemuel Parkhurst, Recording Clerk,  
W. P. Cowperthwait, Engrossing Clerk,  
G. W. Harris, Sergeant at Arms,  
Berryman Jennings, Doorkeeper,  
William Smith, Assistant Doorkeeper,  
G. W. Patterson, Messenger,  
G. W. Howe, Assistant Messenger,  
A. Badgley, Fireman.



The following message was received from the House of Representatives by Mr. Fales, their chief clerk.

I am instructed to inform the Council, that the House of Representatives have appointed Messrs. Hastings, Hawkins and Rich, a committee on the part of the House to act in conjunction with a similar committee to be appointed by the Council, to prepare joint rules for the government of the two Houses.

Mr. Hempstead moved that a committee of three be appointed to draft rules for the government of the Council, which was agreed to, and the chair appointed Messrs. Hempstead, Whittlesey and Inghram, said committee.

Mr. Clark moved that a committee of three be appointed to act in conjunction with a committee appointed by the House to draft joint rules for the government of the two Houses, which was agreed to, and the chair appointed Messrs. Clark, Payne and Browne said committee.

The following Message was received from his Excellency the Governor of the Territory by Mr. Williams his private Secretary.

[FOR MESSAGE, SEE APPENDIX A.]

Mr. Hepner moved that the message be laid on the table, and that Messrs. Clark & McKenny, publishers of the Territorial Gazette, be authorised to print 500 copies of the same for the use of the Council.

On motion of Mr. Parker,

Resolved, That Messrs. Clarke & McKenney be authorized to furnish each member of the Council with twenty copies of each number of the Territorial Gazette during the session.

On motion of Mr. Payne,

The Council adjourned until 10 o'clock to morrow morning.

### Wednesday Morning, Nov. 6th, 1839.

The Council met pursuant to adjournment.

On motion of Mr. Clark,

Resolved, That James G. Edwards be authorized to furnish each member of the Council with twenty copies of the Hawk-Eye and Patriot, during the session.

Mr. Hempstead, from the committee appointed for that purpose, reported a set of rules for the government of the Council.

Mr. Payne moved an amendment to the 12th rule, which was not agreed to.

On motion of Mr. Inghram,

The report was re-committed to the same committee.

Mr. Hempstead asked to be discharged from said committee, which was granted.

On motion of Mr. Payne,

Mr. Clark was appointed on said committee.



On motion of Mr. Hughes,

Resolved, That the Council do now proceed to the election of a President, to preside over this body during the present session, which was agreed to. Messrs. Whittlesey and Hughes appointed tellers.

The ballots being taken and counted, it appeared that Arthur Inghram had 5 votes, Stephen Hempstead 5 votes, J. D. Payne 1 vote, and L. B. Hughes 1 vote. No one having received a majority of the whole number of votes given,

On motion of Mr. Hepner,

The Council proceeded to a second balloting for President, Messrs. Hepner and Clark acting as tellers.

The ballots being taken and counted, it appeared that Arthur Inghram had received 4 votes, Stephen Hempstead 4 votes, L. B. Hughes 1 vote, Charles Whittlesey 1 vote, J. M. Clark 1 vote, and blank 1 vote. No choice being made,

On motion of Mr. Payne,

The Council proceeded to a third balloting, Messrs. Payne and Keith acting as tellers. The ballots being taken and counted, it appeared that Arthur Inghram had received 5 votes, Stephen Hempstead 2 votes, L. B. Hughes 1 vote, J. M. Clark 2 votes, Robert Ralston 1 vote, Mr. Keith 1 vote, and blank 1 vote. No choice being had

On motion of Mr. Hughes,

The Council proceeded to a fourth balloting, Messrs. Hughes and Ralston acting as tellers. The ballots being taken and counted, it appeared that Arthur Inghram had received 5 votes, Stephen Hempstead 2 votes, J. M. Clark 2 votes, and blank 3 votes. No choice being made,

On motion of Mr. Payne,

The Council proceeded to a fifth balloting. Messrs. Payne and Parker acting as tellers. The ballots being taken and counted, it appeared that Arthur Inghram had 5 votes, Stephen Hempstead 2 votes, L. B. Hughes 1 vote, J. M. Clark 2 votes, Mr. Keith 1 vote, and blank 1 vote. No one having received a majority of all the votes given,

On motion of Mr. Whittlesey,

The Council proceeded to a sixth balloting. Messrs. Whittlesey and Browne acting as tellers.

The ballots being taken and counted, it appeared that Arthur Inghram had 5 votes, Stephen Hempstead 2 votes, L. B. Hughes 1 vote, J. M. Clark 1 vote, J. Keith 1 vote and blank 1 vote. No one having received a majority of the whole number of votes, a choice was not made, and

Mr. Browne moved,

That the further balloting for President be postponed, and the Council proceed to the election of an assistant Secretary, which was agreed to, Messrs. Browne and Hughes acting as tellers.

The ballots being taken and counted it appeared that P. C. Tiffany had received 3 votes, J. N. Hetzel 5 votes, W. J. A. Bradford 2 votes, blank 2 votes. No choice being made,

On motion of Mr. Whittlesey,

The Council proceeded to a second balloting, Messrs. Whittlesey and Inghram, acting as tellers.

The ballots being taken and counted, it appeared that P. C. Tiffany



had received 4 votes, J. N. Hetzel 4 votes, and W. J. A. Bradford 4 votes. No choice being made,

On motion of Mr. Hughes,

The Council proceeded to a third balloting, Messrs Hughes and Whitteley acting as tellers.

The ballots being taken and counted, it appeared that P. C. Tiffany had received 4 votes, J. N. Hetzel 3 votes, and W. J. A. Bradford 5 votes. No one having received a majority of all the votes given, a choice was not made.

On motion of Mr. Clark,

The election of Assistant Secretary was postponed.

On motion of Mr. Parker,

The Council adjourned until 2 o'clock P. M.

### TWO O'CLOCK, P. M.

On motion of Mr. Hempstead,

The following preamble and resolutions, were unanimously adopted:

Whereas, the Council have learned with deep regret of the death of WM. B. CONWAY, Secretary of the Territory, Therefore, be it

Resolved, That in consequence of the death of WM. B. CONWAY, our worthy fellow citizen, the Council adjourn until 10 o'clock, to-morrow morning.

Resolved, That as a mark of esteem and respect for the memory of the deceased the members of the Council will wear crape on the left arm for thirty days.

Resolved, That by the decease of WM. B. CONWAY, the Territory has been deprived of one of her most valuable and esteemed public officers.

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Thursday Morning, November 7, 1839.

Council met pursuant to adjournment.

On motion of Mr. Payne,

Resolved, That a committee of two be appointed to act with a similar committee of the House of Representatives, to proceed to Davenport with the body of the Hon. WM. B. CONWAY, and attend his funeral, according to his request.

Messrs Payne and Parker were appointed said committee.

Mr. Clark, from the committee to whom was referred the rules for the government of the Council, reported.



Mr. Hepner moved an amendment to the third rule which was agreed to, and the rules as amended were adopted.

The following message was received from the House of Representatives:

Mr. President—

I am instructed to inform the Council, that the House of Representatives have appointed Messrs. Summers and Hawkins a committee to act in conjunction with a similar committee, to be appointed on the part of the Council, to address a letter of condolence to the widow of the Hon. Wm. B. CONWAY, on the subject of the death of her late husband.

Mr. Clark, from the committee appointed for that purpose, reported rules for the government of the two Houses of the Legislative Assembly, which were adopted,

On motion of Mr. Payne,

The Council proceeded to the election of a President, Messrs Payne and Whittlesey acting as tellers.

The ballots being taken and counted, it appeared that Stephen Hempstead had received 6 votes, Arthur Inghram 4 votes and Mr Payne 1 vote. Stephen Hempstead having received a majority of all the votes given was declared duly elected President of the Council, who being conducted to the chair by Messrs. Payne and Ralston, delivered the following address:

GENTLEMEN OF THE COUNCIL:—You will permit me to express my gratitude for the distinguished favor which you have shown me on this occasion. In selecting me to preside over your deliberations, you have bestowed upon me an honor to which I may not be entitled from parliamentary knowledge or experience; yet I shall use every exertion to discharge the duties assigned me by your kindness, with promptness and fidelity; knowing that I shall at all times receive your aid in maintaining order, and your experience in conducting the business of the Council.

We have again assembled, gentlemen of the Council, for the purpose of discharging an important trust, as the representatives of a free, prosperous and intelligent people; they have a right to expect from us a faithful discharge of our duties, in adopting such laws as will most conduce to the security of their lives, liberty and happiness. Let not our course toward each other be marked by any contracted line of sectional policy, or illiberal views. Let me hope that the course of each member of this body will be distinguished for magnanimity and kind feelings, and tend to the advancement of the best interest of the whole Territory.

Our Territory is yet in the bloom of infancy, yet its growth and prosperity has been unparalleled in the history of governments. If she proceeds as she seems to promise, only a short period will elapse before she will take her place as a sovereign state amid that bright constellation which waves from our fortresses, our ramparts, and at the mast heads of our gallant ships upon the waves. You, gentlemen, are placed here for the purpose of maintaining her rights as a territory, to enact salutary laws for her government, and to prepare her for an admission into the Union, under the great principles of civil liberty.

Gentlemen, from my knowledge of your ability and experience, I am satisfied that you will discharge your duty in such a manner as will cause you to feel proud in after years, that you were members of the first Le-



gislative Council of the Territory of Iowa, and you will return to your constituents conscious of the rectitude of your exertions.

And now gentlemen, permit me again to thank you for your unmerited kindness to me, and permit me to say that I trust I shall prove worthy of your confidence, and the trust which you have reposed in me on this occasion.

Mr Payne offered the following,

Resolved, By the Council and House of Representatives, that Charles Weston be requested and is hereby appointed acting Secretary of the Territory of Iowa, for the purpose of supplying the Legislative Assembly with all necessary stationery, and such other business as may require immediate action as far as is compatible with the laws of Congress, which was

On motion of Mr Clark, laid on the table.

On motion of Mr Payne,

The Council again proceeded to the election of an Assistant Secretary, Messrs Browne and Lewis acting as tellers.

The ballots being taken and counted, resulted as follows :

	1st	2d	3d	4th	5th	6th	7th	8th	9th
J. N. Hetzel	6	3	2	1	1	2	3	3	2
W. J. A. Bradford	4	4	5	6	6	5	5	5	4
P. C. Tiffany	2	5	5	5	5	5	4	3	3
Cyrus Olney								1	2
John B. Russell									1

No one having received a majority of the whole number of votes given, a choice was not had, and

Mr Hepner moved that the further balloting for an Assistant Secretary be postponed until to-morrow.

Mr Lewis moved to amend by postponing the same indefinitely on which question the yeas and nays being called for, are as follows:—

Those who voted in the affirmative are Messrs Inghram, Lewis and Whittlesey, 3.

Those who voted in the negative are Messrs. Browne, Clarke, Hepner, Hughes, Keith, Parker, Payne, Ralston, and Mr President, 9.

So the amendment was lost.

The original motion was then put, was not agreed to.

Mr Hughes renewed the motion to postpone the election of an Assistant until tomorrow, which was lost.

On motion of Mr Hepner

The Council adjourned until 2 o'clock, P. M.

## TWO O'CLOCK, P. M.

On motion of Mr Clark,

The vote adopting the Resolution authorizing the appointment of a Committee of two to proceed to Davenport with the body of the Hon. Wm. B. Conway, &c., was reconsidered.

Mr Payne offered the following as a substitute therefor.

Resolved. That Mr J. W. Parker be appointed a committee on the part of the Council to accompany the remains of the Hon. Wm. B. Conway, to Davenport and attend his funeral.



Mr Inghram moved that a committee be appointed on the part of the Council to act with the committee on the part of the House of Representatives, to address a letter of condolence to the widow of the Hon. Wm. B. Conway on the subject of the death of her late husband which was agreed to, and the chair appointed Messrs. Inghram and Lewis said committee.

On motion of Mr. Clark,

The Council resumed the ballotings for Assistant Secretary, Messrs. Clark and Hughes acting as tellers.

The ballots being taken and counted, resulted as follows:

	1st	2d	3d	4th	5th
J. N. Hetzell	3	5	5	6	9
W. J. A. Bradford	5	1	2	1	
P. C. Tiffany	3				
E. Thomas,	1	6	5	4	3
J. B. Russell				1	
Blank	1				

J. N. Hetzel having received a majority of all the votes given was declared duly elected Assistant Secretary to the Council, and was accordingly sworn into office.

On motion of Mr Clark,

The Council adjourned until ten o'clock to-morrow morning.

### Friday Morning, Nov. 8, 1839.

The Council met pursuant to adjournment.

The Chair announced the following standing committees of the Council:—

*On the Judiciary*—Messrs Parker, Clark and Whittlesey.

*On Finance*—Messrs Hepner, Keith and Hughes.

*On Internal Improvements*—Messrs Payne, Ralston and Browne.

*On Enrollments*—Messrs Whittlesey, Lewis and Hepner.

*On Territorial Affairs*—Messrs Lewis, Browne and Whittlesey.

*On Schools*—Messrs Inghram, Parker and Swazey.

*On Claims*—Messrs Ralston, Keith and Payne.

*On Military Affairs*—Messrs Browne, Lewis and Swazey.

*On Roads*—Messrs Hughes, Keith and Inghram.

*On Expenditures*—Messrs Hepner, Parker and Hughes.

*On Incorporations*—Messrs Lewis, Payne and Browne.

*On Territorial Library*—Messrs Whittlesey, Inghram and Clark.

The Chair announced the following communication from the Hon. W. W. Chapman.



BURLINGTON, Nov. 7, 1839.

To the Honorable, the President of the Council of the Territory of Iowa:

SIR:

Permit me through you, to inform the Council, that out of the numerous resolutions and memorials passed by the Assembly at the last session, but one has come to my hands except in the Journal of the House, recently placed in my hands; but that I will avail myself of the earliest opportunity to present such of these memorials as I shall be able to find.

Respectfully,

Your ob't. servant,

W. W. CHAPMAN.

Mr Keith offered the following resolution:

Resolved, That a committee be appointed to examine into the citizenship and eligibility of the officers of this Council, and that they be authorized to send for persons and papers, and make report thereon.

The ayes and noes being called for on the adoption of the resolution, were as follows:

Ayes—Messrs Browne, Inghram, Keith, Lewis and Payne, 5.

Noes—Messrs Clark, Hepner, Whittlesey and Mr President, 4.

So it was adopted, and the chair appointed the following gentlemen to compose the committee, viz:

Messrs Keith, Lewis, Hepner, Clark, Payne, Parker, Whittlesey and Browne.

On motion of Mr Inghram,

Resolved, That so much of the Governor's message as relates to printing be referred to a select committee, and that they have leave to report by bill or otherwise. The chair appointed Messrs Inghram, Browne, Parker, Lewis, Swazey, Whittlesey, Clark and Payne, said Committee.

On motion of Mr Lewis,

Resolved, That so much of the Governor's message as relates to forming a state constitution be referred to a committee to consist of one member from each electoral district, and that they report by bill or otherwise, and

The chair appointed Messrs Lewis, Clark, Hughes, Inghram, Parker, Keith, Browne and Whittlesey, said committee.

On motion of Mr Browne,

Resolved, That so much of the Governor's message as relates to townships, be referred to a select committee to consist of one member from each electoral district, and

The chair appointed Messrs Browne, Lewis, Parker, Keith, Ralston, Payne, Whittlesey, and Clarke, said Committee.

On motion of Mr Clark,

Ordered, that so much of the Governor's message as relates to the donation of land on which the seat of Government is located, be referred to the committee on Territorial affairs.

On motion of Mr Payne,

Resolved, by the Council, that The House of Representatives be re-



requested to send to the council the documents accompanying the Governor's message.

On motion of Mr Whittlesey,

Ordered that so much of the Governor's message as relates to the publishing of the laws of the last session, and journal of the House of Representatives, be referred to the committee on expenditures with power to send for persons and papers, and with instructions to report on the same.

On motion of Mr Clark,

Ordered, that so much of the Governor's message as relates to the subject of common schools, be referred to the standing committee on schools.

Mr Inghram gave notice that he would on some future day, bring in a bill to authorize the Legislative Assembly of Iowa, to punish for contempt, and privilege the members from arrest.

On motion of Mr. Payne,

Ordered, that a standing committee on public buildings be appointed.

The chair appointed Messrs. Payne, Lewis and Hepner said committee.

On motion of Mr Payne,

Resolved, That so much of the Governor's message as relates to the difficulties with the State of Missouri be referred to the committee on Territorial affairs.

On motion of Mr. Browne,

Resolved, That so much of the Governor's message as relates to finance be referred to the committee on finance.

On motion of Mr Clark,

Ordered, that fifty copies of the joint rules for the government of the Council, and of the list of names of the members of each standing committee, be printed for the use of members of the Council.

On motion of Mr. Payne,

Resolved, That so much of the Governor's message as relates to the militia be referred to the committee on military affairs.

On motion of Mr. Whittlesey,

Ordered that so much of the Governor's message as relates to the passage of a law to provide for the election by the people, of all officers within the Territory, that are not expressly prohibited by the Organic Law, be referred to the committee on the Judiciary.

Mr. Lewis moved to refer so much of the Governor's message as relates to intemperance, &c. to the committee on Internal Improvements.

Mr. Clark moved to amend by referring the same to the committee on Finance, which was agreed to.

Mr. Clark moved that a standing committee on Elections be appointed, which was agreed to. The chair appointed Messrs. Clark, Hepner and Whittlesey said committee.

On motion of Mr. Whittlesey,

Ordered, that that part of the Governor's message which relates to the law with regard to the election of Delegate to Congress, and County Recorder, be referred to the standing committee on the Judiciary with instructions to report thereon.

Mr. Payne gave notice that he would on to-morrow or some future day ask leave to introduce a bill for the taking of the census of the Ter-



ritory during the present session, so that an apportionment of the representation may be made.

Mr. Clark gave notice that he would, on some future day ask leave to introduce a bill on the subject of frauds.

On motion of Mr. Browne,

Resolved, That so much of the Governor's message as relates to the Public Library be referred to the committee on the Territorial Library.

The following message was received from the House of Representatives, by Mr Fales, their Chief Clerk :

Mr President,

I am instructed to inform the Council that the House of Representatives have adopted the Joint Rules reported by the committee appointed for that purpose.

On motion of Mr. Payne,

The Council adjourned till to-morrow at 10 o'clock.

Saturday Morning, Nov. 9, 1839.

The Council met pursuant to adjournment.

On motion of Mr Browne,

Resolved, That so much of the Governor's message as relates to the transmission of prisoners to the penitentiary be referred to the committee on the Judiciary.

On motion of Mr Lewis,

Resolved, That so much of the Governor's message as refers to memorializing Congress to grant this Territory a quantity of land for literary purposes, be referred to the committee on territorial affairs.

Mr Browne, on leave, presented the following report from the directors of the Penitentiary :

*To the Honorable, the Legislative Assembly of Iowa Territory :*

In conformity with the provisions of the law prescribing their duties, the undersigned, the directors of the Penitentiary located at Fort Madison, respectfully report:

That the citizens of the town of Fort Madison, executed to the directors aforesaid, for the Territory of Iowa, a deed in fee simple, absolute, for ten acres of land, on which there is a suitable site for the erection of a penitentiary, which deed was recorded in the Recorder's office at Fort Madison, and deposited in the office of the Secretary of the Territory, according to law. On the 5th day of June, A. D. 1839, Amos Ladd was appointed superintendant and gave bond, and was sworn to discharge his duties in compliance with the 4th section of the above recited act. The



superintendent, under the direction of the directors aforesaid, proceeded to project a plan for said penitentiary, conforming conveniently to the Connecticut State Prison at Wethersfield, a drawing of which is herewith transmitted. The act providing for the erection of a penitentiary at Fort Madison, requires that it shall be of sufficient capacity to receive, secure and employ, one hundred and thirty-six convicts. The directors aforesaid, would here remark, that the prison projected by their superintendent will contain one hundred and thirty-eight convicts. The directors found it impossible to erect and construct the building so as to contain 136 convicts without leaving a vacancy and destroying its proportion.

The act aforesaid, provides that "the said penitentiary shall be constructed on such a scale, that in the estimation of the directors it can be fully completed, for a sum not exceeding \$40,000, exclusive of the labor of convicts. The undersigned directors, here submit their estimate of the cost of the building :

22372 cubic feet of cut stone for cells, at 1 dollar per foot	22,373 00
6500 feet of drafted and pointed work, superficial for front of building at 35 cents per foot	2,275 00
3825 perch of common stone work at 4 dollars per perch	15,300 00
138 iron grated doors with locks and bolts at 20 dollars each	2,760 00
3150 yards of plastering at 40 cents per yard	1,260 00
3000 pounds of iron for grating at 9 cents per lb.	270 00
800 pounds of lead at 5 cents	40 00
Carpenters and Joiners work	2,800 00
100,000 pine shingles, at 5 dollars	500 00
38,800 feet sawed oak lumber	25,910 00
2,500 do pine lumber, at 5 dollars	125 00
2,550 do of hewn lumber, 6 cents	153 00
1 iron grate and 7 iron grated doors, at 30 dollars	240 00
Glass, putty, &c.	150 00
Painting, glazing and spouting	300 00
Excavating of earth	200 00
16 shops, 1 kitchen and mess room	2,550 00
9088 lbs of privy pipe, at 5 cents	454 40
1 cistern	110 00
Well and copper pump	200 00
Cupola and bell	300 00
Five per cent. for contingencies	2,663 50
	<hr/>
	\$55,933 90

From the foregoing statement, it appears that the estimate of the undersigned, is \$55,933 90, over and above the sum named in the act aforesaid, as the maximum amount to be expended in the erection of the penitentiary aforesaid.

The undersigned believe that the outer wall, warden's house, and sixty cells of the prison, can be fully completed, for the sum of 40,000 dollars aforesaid; and that the remaining portion of the projected building, can be erected by the "labor of the convicts."

On the ninth day of July, A. D. 1839, the superintendent proceeded to erect the Penitentiary aforesaid, and on the first quarterly settlement



ending on the 9th day of October, the undersigned directors found that he had expended \$3,422 00, as follows, to wit:

Work performed by common laborers	\$1,211 70
Work of masons	432 50
Carpenters and Joiners work	235 50
Stone and Lime furnished	180 00
Iron, steel and smiths work	312 94
Lumber	144 13
Board of hands	405 23
	<hr/>
	\$3,422 00

A boarding house for accommodating the hands has been erected by the superintendant on the premises, the cost of which has been included in the above estimate.

On the first of November last, the superintendant received a draft from the Treasury Department for the sum of \$5,877, and at that time the whole amount expended was about \$4,800 00, which would leave in the hands of the superintendant \$1,077 00.

The construction of the aforesaid penitentiary has equalled the expectation of the undersigned. Two wells have been dug, containing excellent water, on the premises, the basement story of the Warden's house and guard room has been erected and the foundation of sixty cells has been commenced; and there is 350 feet of stone cut for the cells on the ground and about 150 perch of stone from the quarry, not yet laid in the walls.

The undersigned would respectfully and earnestly recommend to your honorable body the necessity of immediately memorializing Congress, for the additional appropriation of \$20,000 in order to complete the building aforesaid. It is highly important that the directors should know in the early part of the coming season whether an appropriation as aforesaid would be made or not in order that preparatory measures might be taken in the spring, to secure the rapid progress of the work, through the summer and autumn.

The undersigned would further respectfully suggest that an amendment be made to the act "to provide for the erection of a penitentiary" and approved January the 25th, A. D. 1839, fixing the salary of the Superintendant aforesaid; this amendment they conceive highly necessary as no provision whatever is made in the aforesaid act, with regard to his compensation.

The sixth section of the act aforesaid, relating to the pay of the *Directors* aforesaid is so vague and ambiguous, that the undersigned would respectfully direct your attention to its amendment.

The undersigned, in conclusion would remark, that the site selected for the Penitentiary aforesaid is suitable in every respect for such a building; water is abundant, and building materials although procured at some distance from the site aforesaid, are of excellent quality; in fine, they are fully convinced that if the additional appropriation above mentioned is procured at an early period during the next session of Congress, the great-



er portion of the building aforesaid can be completed the ensuing season.

All of which is respectfully submitted.

JOHN S. DAVID,  
JOHN CLAYPOLE,  
*Directors.*

Burlington, Nov. 8th, 1839.

Which report was,

On motion of Mr. Browne,

Referred to the committee on Finance, and one hundred copies ordered to be printed for the use of the Council.

Mr Keith gave notice that he would, on some future day, ask leave to bring in a bill relative to landlords and tenants.

On motion of Mr Payne,

The Council adjourned until Monday morning, 10 o'clock.

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### Monday Morning, Nov. 11, 1839.

The Council met pursuant to adjournment.

Mr Browne offered the following preamble and resolution:

Whereas the Territory of Iowa is deprived of a Secretary, by the recent death of the Hon. Wm. B. Conway, late Secretary of this Territory, and whereas no provision is made by the organic law, or by any act of Congress to meet such contingency, therefore be it

Resolved, by the Council and House of Representatives, that ——— be appointed a Fiscal Agent, and that he be authorized to take charge of all public funds, drafts or bills of exchange properly belonging to this department, and that he be required to make such disbursements as legally pertain to his appointment as aforesaid, taking proper vouchers for the same.

On motion of Mr Lewis,

The blank was filled with the name of Charles Weston, and the resolution as amended was adopted.

Mr Payne offered the following preamble and resolution:

Whereas the office of Secretary of the Territory of Iowa, is now vacant in consequence of the death of the Hon. Wm. B. Conway and Whereas it is of vital importance to this Territory, that the appointment to said office be made to a citizen of this Territory, therefore be it Resolved, by the Council and House of Representatives of the Territory of Iowa, that reposing implicit faith and confidence in the integrity and ability of ———, we earnestly recommend to his Excellency M. Van Buren, President of the United States, the nomination of the above nam-



ed individual as a suitable person to perform the duties of the office of Secretary of the Territory, and further we recommend to the Honorable the Senate of the United States, in Congress assembled the confirmation of said nomination, which,

On motion of Mr Lewis, was laid on the table.

On motion of Mr Browne,

Resolved, That Charles Weston, Esq., be requested to furnish each member of the Council with a copy of the "Acts and Resolutions" passed at the third session of the twenty-fifth Congress of the United States.

On motion of Mr Lewis,

Resolved, That the regular adjournment of the Council, for the day, shall be to 10 o'clock in the forenoon of the succeeding day, unless otherwise ordered by the Council.

The President informed the Council that the Secretary reported to him that all the papers relative to the unfinished business of last session were lost, except the bill providing for the support of illegitimate children.

On motion of Mr Whittlesey it was

Ordered, That the report of the Secretary of the Council with regard to the loss of papers relating to the unfinished business of the last session, be referred to a select committee, and that they have power to send for persons and papers.

The chair appointed Messrs Whittlesey, Lewis and Payne said committee.

On motion of Mr Hepner, the following preamble and resolution were adopted :

Whereas, a number of persons, according to the rules of this House, are entitled to seats within the bar, and whereas there appears to be a scarcity of chairs; therefore,

Be it resolved, That Charles Weston be requested to furnish the Council chamber with a sufficiency of chairs to accommodate those entitled to seats within the bar of this House.

On motion of Mr Whittlesey,

Ordered, That so much of the Governor's message as relates to the revision of the act establishing the seat of government, be referred to the committee on Territorial affairs.

Mr Payne moved to amend by referring the same to a select committee, to consist of one member from each electoral district, which was lost.

The original motion was then put and agreed to.

On motion of Mr Whittlesey,

Ordered, That the communication from the Hon. W. W. Chapman, of the 7th inst., be referred to a select committee.

The Chair appointed Messrs Whittlesey, Browne and Hepner said committee.

On motion of Mr Hughes,

Mr Inghram was added to the committee on Territorial affairs.

Mr Whittlesey gave notice that he would, on to-morrow, move for leave to introduce a bill to authorize evidence by the oath of parties.

Mr Lewis gave notice that he would, on some future day, move for leave to bring in a bill concerning the writ of habeas corpus.



Mr Hepner gave notice that he would, on some future day, move for leave to introduce a bill for the benefit of Des Moines county.

On motion of Mr Hepner,  
The Council adjourned until 2 o'clock, P. M.

## TWO O'CLOCK, P. M.

Mr. Inghram, on leave being granted, presented the memorial of Jeremiah Smith, praying for relief, &c.

Mr Hughes gave notice that he would, on some future day, move for leave to introduce a bill granting a charter to Vinson H. Wamsley and Barnet Ristine, to construct a dam across the Cedar fork of Skunk river, in the county of Henry.

Mr. Inghram, from the committee appointed for the purpose, reported the following resolution;

Resolved, as the opinion of this committee, That the Journals of the Council and all other incidental printing be performed by and that the Journals be printed in pamphlet form commencing with the session.

On motion of Mr Payne,  
The resolution was laid on the table.

On motion of Mr Lewis,  
The petition of George W. Jones, asking a ferry privilege at the town of Du Buque, across the Mississippi river, was taken up, read and referred to the committee on Incorporations.

Mr Whittlesey gave notice that he would, on some future day, move for leave to introduce a bill for opening and repairing or vacating public roads and highways.

Mr Keith, on previous notice and leave being granted, presented a bill respecting landlords and tenants, which was read and ordered to be printed.

On motion of Mr Lewis,  
Ordered that fifty copies of all bills introduced in the Council, be printed after their first reading.

Mr. Inghram, on previous notice and leave being granted, presented a bill to authorise the Legislative Assembly to punish for contempt and to privilege the members from arrest, which was read and ordered to be printed.

On motion of Mr. Inghram,  
The Council adjourned.



Tuesday Morning, Nov. 12, 1839.

The Council met pursuant to adjournment.

The memorial of Jeremiah Smith, jr. praying for relief, &c. was taken up, read a second time and considered in committee of the whole, Mr. Browne in the chair. After some time spent in consideration of the same, the committee rose, and by their chairman, reported the memorial to the House with an amendment, which report was concurred in, and the memorial ordered to be engrossed for a third reading on to-morrow.

Bill No. 1, C. F. A bill relative to landlords and tenants, was taken up, read a second time, and,

On motion of Mr. Clark,

The same was referred to the Judiciary committee.

Bill No. 2, C. F. A bill to authorise the Legislative Assembly to punish for contempt and to privilege the members from arrest, was read a second time and considered in committee of the whole, Mr. Clark in the chair. After some time spent therein, the committee rose and, by their chairman, reported the bill to the House with an amendment, which report was concurred in, and the bill ordered to be engrossed for a third reading on to-morrow.

Mr. Inghram offered the following :

Resolved, by the Council and House of Representatives of Iowa Territory, That Messrs. Russell and Reeves, editors of the "Iowa News;" A. Logan, of the "Iowa Sun;" Clark and McKenney, of the "Iowa Territorial Gazette;" and James G. Edwards of the "Hawk-Eye and Patriot;" be and they are hereby authorized and required to print the laws passed at the present session of the Legislative Assembly, in their several Newspapers as they are passed and approved by the Executive, and that they receive seventy five dollars each for their services. Which resolution was read a first time and ordered to be printed.

On motion of Mr. Lewis,

Ordered, That the act entitled "An Act to provide for the appointing of Justices of the Peace, to prescribe their powers and duties, and to regulate their proceedings," now in force in this Territory, be referred to the committee on the judiciary, and that they be required to report the same to this House with such amendments as may be deemed necessary.

Mr Hughes, on previous notice, and leave granted, introduced "A Bill to authorize Vinson H. Wamsley and Barnett Ristine to erect a dam across the Cedar fork of Skunk river, in the county of Henry," which was read a first time and ordered to be printed.

On motion of Mr Hughes,

The Council adjourned until 2 o'clock P. M.

TWO O'CLOCK, P. M.

Mr Inghram gave notice that he would on to-morrow, or some future day, move for leave to introduce a bill to amend the Charter of the city of Burlington.

On motion of Mr Browne, the Council adjourned.



Wednesday Morning, Nov. 13, 1839.

The Council met pursuant to adjournment.

Mr Swazey, member of the Council from the county of Van Buren, appeared, and took his seat.

On motion of Mr Payne,

Resolved, by the Council and House of Representatives of the Territory of Iowa, that the acts of the twenty-fifth Congress in possession of the Governor, shall be distributed in the following manner, viz:

One copy to the Governor, one copy to the Secretary of the Territory, one copy to each of the Judges of the Supreme Court, one copy to the District Attorney of the Territory, one copy to the Marshal of the Territory, one copy to the Clerk of the Supreme Court, eleven copies for the use of the Council, and twenty copies for the use of the House of Representatives.

Mr Payne offered the following:

Resolved, by the Council, that the standing committee on roads be instructed to enquire into the expediency of creating a charter for a turnpike road from the city of Burlington in Des Moines county to the town of Mount Pleasant in Henry county, and that they report by bill or otherwise: which,

On motion of Mr Hughes, was laid on the table.

On motion of Mr Hughes,

Resolved, by the Council, that the committee on internal improvements be instructed to enquire into the expediency of memorializing Congress on the subject of an additional appropriation for the completion of the Territorial road from Du Buque to the southern line of the Territory, in the direction to Jefferson City.

On motion of Mr Hepner,

Resolved, That a select committee of three be appointed, whose duty it shall be to enquire into the expediency of memorializing Congress to make an appropriation to construct a bridge across the Skunk River, at the town of Augusta, where the Territorial Road leading from Du Buque *via* Burlington to the Missouri boundary, crosses said river.

The chair appointed Messrs Hepner, Browne and Payne, said committee.

Joint Resolution, Council file, No. 1, relative to printing the laws of the present session, in the several newspapers in this Territory, was taken up, read a second time, and considered in committee of the whole, Mr Lewis in the chair, and reported, through their chairman, back to the House without amendment.

Mr Hepner offered the following amendment:

And be it further Resolved, That the Secretary of the Territory be required not to pay the aforesaid printers any thing for the above named printing, until each and every such printer, shall take and subscribe an oath, that he or they have published all the acts and joint resolutions of the present session of the Iowa Legislature, which was lost.

Mr Hepner moved to refer the resolution to the Judiciary committee, which motion, was, on leave, withdrawn.



Mr Browne offered the following amendment:

Resolved, That the foregoing editors severally be required to transmit to the Secretary of the Territory, a number of each paper containing said laws, as a voucher for the settlement of their accounts.

Which amendment was agreed to, and the resolution as amended, was ordered to be engrossed and read a third time to-morrow.

Bill No. 3, Council file, "A bill to authorize Vinson H. Wamsley and Barnett Ristine, to erect a dam across the Cedar fork of Skunk river in the county of Henry," was read a second time, and

On motion of Mr Payne, was

Ordered to be engrossed and read a third time on to-morrow.

The memorial of J. Smith, Jr. to the Congress of the United States, praying for relief, &c. was read a third time and passed.

Bill No. 2, Council file, "A bill to authorize the Legislative Assembly to punish for contempt, and to privilege members from arrest, was read a third time and passed, and title agreed to.

On motion of Mr Inghram,

Resolved, That the standing committee on roads be instructed to enquire into the expediency of amending the laws now in force in this Territory, respecting public roads and highways, and that they report by bill or otherwise.

Mr Payne gave notice that he would on to-morrow, move for leave to introduce a bill to repeal an act respecting seals, approved January 24, 1839.

On motion of Mr Hepner,

The Council adjourned until 2 o'clock.

## TWO O'CLOCK, P. M.

On motion of Mr Browne,

Resolved, That a select committee be appointed to confer by written communications or otherwise, with the respective publishers of the newspapers referred to in a joint resolution adopted this day by the Council in relation to the publication of the laws of the present session of the Legislative Assembly of the Territory of Iowa, in their several newspapers, and that the committee be instructed to ascertain whether said publishers will comply with the requisition contained in the aforesaid resolution, and that they report the result to the Council.

The Chair appointed Messrs Browne, Clarke and Swazey said committee.

On motion of Mr Payne,

Resolved, That the committee on the Judiciary be instructed to enquire into the expediency of amending the second section of the act regulating the practice in the district court, and that they report by bill or otherwise.

On motion of Mr Browne,

Resolved, That the 16th rule for the government of the Council of the Territory of Iowa, be so amended as to admit of any member on the third reading of a bill, joint resolution or memorial, to offer an amendment, but said amendment shall not be adopted, except by a unanimous consent of the members present.



On motion of Mr Inghram,  
Mr Swazey was added to the committee on the Judiciary.

On motion of Mr Inghram,  
Messrs Lewis and Browne were added to the committee on Roads.

Mr Browne gave notice that he would on to-morrow, or some future day, move for leave to introduce a bill providing for an equitable compensation for improvements made by settlers on the Half Breed Lands, where they have the color of a title.

Mr Hughes gave notice that he would on some future day, move for leave to introduce a bill for a ferry charter across Skunk river, at Hiram Smith's mill, in Henry county.

On motion of Mr Swazey,

Resolved, That a select committee be appointed to draft a memorial to Congress asking an appropriation of money or land for the improvement of the Des Moines river.

The Chair appointed Messrs Swazey, Inghram and Browne said committee.

On motion of Mr Payne,  
The Council adjourned.

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### Thursday Morning, Nov. 14, 1839.

The Council met pursuant to adjournment.

On motion of Mr Lewis,

Resolved, That a committee of two be appointed to communicate with R. C. Tilghman, Esq. United States Engineer, employed to survey and establish a road from Du Buque, to the Missouri, for the purpose of ascertaining the amount necessary to complete said road, and that they report the same to this House, preparatory to memorializing Congress on that subject.

The chair appointed Messrs Lewis and Payne, said committee.

Mr Payne asked leave of absence for Mr Hughes until Tuesday next, which was granted.

Mr Clark, on previous notice, and leave being granted, introduced "A bill concerning deeds and mortgages, and to prevent frauds," which was

On motion of Mr Clark,

Read a first time by its title, and ordered to be printed.

Mr Lewis, on previous notice, and leave being granted, presented "A bill to prevent unjust imprisonment by securing the benefit of the writ of Habeas Corpus," which was read a first time by its title, and ordered to be printed.



Mr Payne on previous notice, and leave being granted, introduced "A bill respecting seals," which was read a first time, and

On motion of Mr Parker, the printing of said bill was dispensed with.

Resolution, C. F. No. 1. respecting the printing of the laws in the public newspapers, &c. was taken up, read a third time and passed.

Bill, No. 3, C. F. A Bill to authorise Vinson H. Wamsley and Barnet Ristine, to erect a dam across the Cedar Fork of Skunk river in the county of Henry, was taken up, read a third time and passed, and title agreed to.

On motion of Mr Payne,

The resolution on the subject of a turnpike road from the city of Burlington to Mount Pleasant, was taken from the table, and to which Mr Payne offered the following as a substitute:

Resolved by the Council, That the committee on roads be instructed to enquire into the expediency of creating a charter for a turnpike road from the city of Burlington in Des Moines county, to Mount Pleasant in Henry county, and also to memorialize Congress for an appropriation for the same, and that they report by bill or otherwise, which amendment was agreed to.

On motion of Mr Payne,

The Council adjourned until 2 o'clock, P. M.

## TWO O'CLOCK, P. M.

Mr Parker moved that the Council adjourn, on which question the yeas and nays being required, are as follows:

Those who voted in the affirmative are Messrs Browne, Clark, Hepner, Inghram, Keith, Lewis, Parker, Swazey, and Mr President, 9.

Negative, Mr Payne, 1.

So the question was decided in the affirmative.

## Friday Morning, Nov. 15, 1839.

The Council met pursuant to adjournment.

Mr Parker presented a petition from the citizens of Clinton county, praying for a charter for ferry privileges to Elijah Buel, across the Mississippi at the town of Lyons.

On motion of Mr. Parker,

Said petition was referred to the committee on Incorporations.

Bill C. F. No. 6, "A bill respecting Seals," was taken up, read a second time, and,



On motion of Mr. Browne,

Was referred to the committee on the Judiciary.

Mr. Browne on previous notice, and leave being granted, presented "A bill for the benefit of the Settlers, &c. on the half breed lands," which was read and ordered to be printed.

Mr. Clark gave notice that he would, on Monday next, move for leave to bring in a bill to authorise the incorporation of Lyceums.

Mr. Lewis gave notice that he would, on some future day move for leave to present a bill to establish a medical board in this Territory.

On motion of Mr Parker,

The Council adjourned.

## Saturday Morning, Nov. 16, 1839.

The Council met pursuant to adjournment.

The following message was received from the House of Representatives by Mr Fales, Chief Clerk :

Mr President—I am instructed to inform the Council that the House of Representatives have passed the following memorial, preamble and joint resolution, and bills, viz :

H. R. file, No. 2, entitled "A memorial to Congress on the subject of post roads in Iowa;" also,

H. R. file, No. 3, entitled "A bill to provide for the appointment of librarian and for other purposes."

A bill to create the office of public printer, and to define his duties.

A preamble and joint resolutions relative to the unsurveyed lands.

A bill regulating grocery licences.

In all of which the concurrence of the Council is requested.

Mr Clark, on previous notice and leave being granted, presented "A bill to authorize the incorporation of Lyceums," which was read and ordered to be printed.

Council file, No. 4, "A bill concerning deeds and mortgages and to prevent frauds," was taken up, read a second time, considered in committee of the whole, Mr Inghram in the chair.

After some time spent in consideration of said bill, the committee rose, and through their chairman, reported the same back to the Council with several amendments, which were concurred in.

Mr Parker moved that the words, "or before the Recorder of such county," in 8th line of 9th section, be stricken out, and the words, "or before the clerk of the district court of such county," be inserted.

On motion of Mr Clark, the question was divided.

The 1st division, viz: for striking out the words "or before the Re-



corder of such county," was agreed to, and the 2d division, viz: the words, "or before the clerk of the district court of such county," was lost.

Mr Lewis moved to insert the words "or before any notary public," after the word "situate" in said 8th line of section 9, which motion to amend was, on leave of the Council, withdrawn by the mover, and the bill as amended was ordered to be engrossed, and read a third time, on Tuesday next.

Council file, No. 5, "A bill to prevent unjust imprisonment by securing the benefit of the writ of Habeas Corpus," was taken up, read a second time and considered in committee of the whole, Mr Hepner in the chair. After spending some time in consideration of said bill, the committee rose and reported the same, through their chairman, back to the Council with sundry amendments, which were concurred in.

Mr Clark moved further to amend, by inserting after the word "felony" in the second line, of the 7th section, the words, "or with suspicion of any felony."

Mr Inghram then moved to re-commit the bill to the Judiciary committee, which was agreed to.

On motion of Mr Lewis,

The Council adjourned, until 2 o'clock.

## TWO O'CLOCK, P. M.

Council file, No. 7, "A bill for the benefit of the settlers, &c. on the Half Breed Lands," was taken up, read a second time and considered in committee of the whole, Mr. Parker in the chair.

After some time spent in consideration of said bill, it was reported back to the Council, through their chairman, with several amendments, which amendments were concurred in and the bill as amended was ordered to be engrossed and read a third time on Wednesday next.

On motion of Mr Clark,

The Council adjourned until Monday morning, at 10 o'clock.

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## Monday Morning, Nov. 18, 1839.

The Council met pursuant to adjournment.

Mr. Ralston offered the following:

Resolved, That the Secretary of the Council be and he is hereby directed to give the incidental printing of the Council during the present Session, to James G. Edwards, publisher of the "Hawk-Eye and Iowa Patriot."



Mr. Hepner moved to lay the Resolution on the table, which motion was lost.

The question was then taken upon the Resolution.

Mr. Payne called for the yeas and nays which were as follows:

Those who voted in the affirmative were Messrs. Browne, Clark, Inghram, Keith, Lewis, Ralston, Swazey, Whittlesey, and Mr President, 9.

Those who voted in the negative were Messrs. Hepner, Parker and Payne, 3.

So the Resolution was agreed to.

Mr. Lewis from the Select Committee appointed to communicate with R. C. Tilghman, Esq. relative to the Road from Du Buque to the northern boundary of Missouri, reported that they had performed that duty, and had received the following Communication from Mr. Tilghman.

BURLINGTON, Nov. 16, 1839.

Messrs. LEWIS & PAYNE,

Gentlemen, Your Communication of the 14th inst. accompanying a resolution of the Council calling for information relative to the amount that will be required, to complete the road from Du Buque to the northern boundary of Missouri, has been received.

As I am on the point of departure for the East, it will be impossible for me to give a detailed estimate, in time to meet the views of the Legislature. I feel safe, however, in saying that a sum equal to the last appropriation will be amply sufficient to complete the road.

Very respectfully,

Your obedient servant,

(Signed,)

R. C. TILGHMAN,

*U. S. Assistant Engineer.*

which, on motion of Mr. Payne, was referred to the Committee on Territorial Affairs.

Mr. Keith, from the Committee appointed to enquire into the Citizenship and eligibility of the officers of the Council, reported that they had the subject under consideration, and that as no specific charge came before them either in regard to citizenship or eligibility upon which your committee could have any action, they ask to be discharged from a further consideration of the subject.

On motion of Mr Payne, the report was concurred in, and the Committee discharged.

H. R. file, No. 2, "A Memorial on the subject of Post Roads in Iowa," was taken up read a first time, and ordered to a second reading.

Bill No. 3, H. R. file, "An act for the appointment of Librarian &c." was read a first time, and ordered to a second reading on to-morrow.

Bill No. 4, H. R. file, "An Act to create the office of Public Printer and to define his duties," was taken up, read a first time, and ordered to a second reading on to-morrow.

H. R. file, No. 5, "A Preamble and Joint Resolution relative to the unsurveyed lands," was taken up, read a first time, and ordered to a second reading on to-morrow.

Bill No. 7, H. R. file, "An Act regulating Grocery Licence" was



taken up, read a first time, and ordered to a second reading on to-morrow.

Bill No. 8, C. F. "A Bill to authorize the incorporation of Lyceums" was taken up and read a second time.

Mr. Parker moved to amend by striking out the word "five" in the 5th line of the 3d Section, and insert the word "ten."

Mr. Payne moved further to amend the amendment by adding thereto the words, "Provided the said Lyceums shall not use banking privileges," which amendment was lost.

The original motion to amend was then put, and agreed to, and

On motion of Mr. Parker, the Bill was ordered to be Engrossed and read a third time on Thursday next.

Mr. Whittlesey, on previous notice, and leave granted, introduced Bill No. 9, C. F. "To authorize evidence by the oath of parties," which was read a first time and ordered to be printed.

On motion of Mr. Parker,

The Council adjourned until 2 o'clock, P. M.

## TWO O'CLOCK, P. M.

On motion of Mr. Inghram,

The Report and Resolution of the Select Committee on the subject of Printing was taken from the table, and

On motion of Mr. Inghram,

The blank was filled with the name of James G. Edwards.

On motion of Mr. Clark,

The Report and Resolution were again laid on the table.

The following Message was received from the House of Representatives, by Mr. Fales, Chief Clerk:

MR. PRESIDENT: The House of Representatives have passed the Joint Resolutions relative to the appointment of a Fiscal Agent, with amendments. They have also passed

No. 1, C. F. A memorial for the benefit of Jeremiah Smith, Jr.

No. 2, C. F. An Act to authorize the Legislative Assembly to punish for contempt, &c.

No. 6, H. R. file. A Bill to provide for the election of County Treasurers, and to define their duties.

No. 12, H. R. file. A Memorial for the Improvement of the Iowa and Cedar Rivers.

In which the concurrence of the Council is requested."

Mr. Clark moved that James G. Edwards be authorized to print fifty-five copies of the daily Journal of the Council, in pamphlet form, for the use of the members of the Council; on which question the yeas and nays were called for by Mr. Payne, and were as follows:

Those who voted in the affirmative were Messrs. Browne, Clark, Inghram, Keith, Parker, Ralston, Swazey, Whittlesey and Mr. President, 9.

Those who voted in the negative were Messrs. Hepner, Lewis and Payne, 3.

So the question was agreed to.



Mr. Whittlesey, from the Select Committee appointed for the purpose, made the following Report :

"The Committee appointed to inquire into the loss of missing papers of the Council, relating to the unfinished business of the last session of the Legislature, Report, That the said papers have been obtained from Mr. Charles Weston, who has in his charge the papers, &c. of the late Secretary of the Territory, they having been taken under his charge for safe keeping, by the latter gentleman, after the close of the last session of the Legislature."

Which Report was adopted, and the Committee discharged.

Joint Resolution, C. F. No. 3, being under consideration as reported back from the House of Representatives with amendments, said amendments were read and concurred in.

Bill No. 6, H. R. file. "An Act to provide for the election of County Treasurers and to define their duties," was read a first time and ordered to a second reading.

Memorial No. 12, H. R. file. "For the Improvement of the Iowa and Cedar Rivers," was read a first time and ordered to a second reading.

On motion of Mr. Clark,

Ordered, That twenty copies of the Bill, H. R. file, No. 3, providing for the appointment, &c. of Librarian, be printed for the use of the Council.

On motion of Mr. Browne,

Resolved, That the standing committee on the Territorial Library be instructed to wait on his excellency Gov. Lucas, and respectfully request him to furnish them with a catalogue of the books composing the Territorial Library, together with the original inventory of purchase, for the information of the Council.

On motion of Mr Parker,

The Council adjourned.

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Tuesday Morning, Nov. 19, 1839.

The Council met pursuant to adjournment.

Mr Parker presented the Petition of Andrew Logan, Editor of the "Iowa Sun" praying for the Printing of the Laws passed during the present session of the Iowa Territorial Legislature, which was read, and

On motion of Mr Payne, laid on the table.

Mr Lewis from the Committee on Territorial affairs to whom was referred the Communication of R. C. Tilghman, Esq., presented a "memorial for an appropriation for the completion of a Road from Du Buque to the Northern boundary of Missouri," which was read a first time, and ordered to be printed.



Bill No. 9, C. F. "A Bill to authorize evidence by the oath of parties," was taken up, read a second time and considered in Committee of the whole, Mr Payne in the Chair. After spending some time in consideration of said Bill, the Committee rose, and reported the same back to the Council, through their Chairman, with sundry amendments, which amendments were concurred in, and the Bill was ordered to be Engrossed, and read a third time on to-morrow.

H. R. file, No. 2, "A memorial on the subject of Post Roads in Iowa" was taken up, read a second time, and

On motion of Mr Parker,

The memorial was referred to a Select Committee to be composed of one member from each Electoral district.

The Chair appointed Messrs Parker, Clark, Inghram, Payne, Swazey, Browne, Whittlesey and Lewis said Committee.

H. R. file, No. 4, "An Act to create a Public Printer, and to define his duties, was taken up, read a second time, and

On motion of Mr Clark,

It was referred to a Committee of the whole and made the special Order of the day for Tuesday next.

H. R. file, No. 5, Preamble and Resolutions relative to the unsurveyed lands was taken up, read a second time, and considered in Committee of the whole, Mr Swazey in the Chair. After some time spent in consideration of said Preamble and Resolutions, the Committee rose and through their chairman, reported the same back to the Council with amendments, which said amendments were concurred in, and the Preamble and Resolutions as amended were ordered to a third reading on to-morrow.

H. R. file, No. 6, "A Bill to provide for the election of county Treasurers, and to define their duties" was taken up, read a second time, and considered in Committee of the whole, Mr Whittlesey in the chair. After spending some time in consideration of said Bill, the committee rose, and through their chairman, reported the same back to the Council with sundry amendments which amendments were concurred in.

On motion of Mr Parker,

The bill was referred to the committee on the Judiciary, with instructions to report on Thursday morning next.

H. R. file, No. 7, "An act regulating grocery license," was taken up read a second time, and,

On motion of Mr Inghram,

The bill was referred to the committee on Finance.

H. R. file, No. 12, "A memorial for the improvement of the Iowa and Cedar rivers," was taken up, read a second time, and considered in committee of the whole, Mr Browne in the chair. After spending some time in consideration of said memorial, the committee rose, and, through their chairman, reported the same back to the Council with one amendment, which amendment was concurred in, and the memorial as amended, was ordered to a third reading on to-morrow.

Mr Lewis gave notice that on to-morrow or some future day he would move for leave to bring in a bill to incorporate a college in the town of Du Buque.



Mr Clark gave notice that he would on to-morrow, or on some future day move for leave to bring in a bill for the relief of the poor.

Mr Browne moved that the Council now adjourn until 2 o'clock, P. M.

Mr Parker moved to amend the motion that the Council adjourn until 10 o'clock, to-morrow, which amendment was lost, and the original motion was then put and agreed to, and the Council adjourned until 2 o'clock, P. M.

## TWO O'CLOCK, P. M.

H. R. file No. 3, "A bill to provide for the appointment of a Librarian and for other purposes" was taken up, read a second time and considered in committee of the whole, Mr Parker in the chair. After spending some time in consideration of said bill, the committee rose and, through their chairman reported the same back to the Council, without amendment, and asked to be discharged from a further consideration of the subject, which report was concurred in.

On motion of Mr. Inghram,

The bill was referred to the committee on the Judiciary.

The following message was received from the House of Representatives by Mr. Fales, Chief Clerk:

Mr President,

The House of Representatives have passed No. 3, C. F. "An act to authorise Vinson H. Wamsley and Barnet Ristine to erect a dam across the Cedar fork of Skunk river, &c." also

No. 10, H. R. file, "A preamble and joint Resolution relative to the improvement of the Des Moines river."

No. 14, H. R. file, "A memorial to Congress for a survey of Skunk river." In which the concurrence of the Council is requested.

No. 4, Council file, "A bill concerning deeds and mortgages and to prevent frauds" being under consideration was found to have been incorrectly engrossed, and was ordered to be returned to the Engrossing Clerk for correction.

H. R. file, No. 10, "A preamble and joint resolution relative to the improvement of the Des Moines river," was taken up, read a first time, and ordered to a second reading.

H. R. file, No. 14, "A memorial to Congress for a survey of Skunk river," was taken up, read a first time, and ordered to a second reading.

Mr. Swazey gave notice that he would, on to-morrow move for leave to introduce a "bill to incorporate the Iowa Academy of Literature, Arts and Sciences."

On motion of Mr Hughes,  
The Council adjourned.



Wednesday Morning, Nov. 20, 1839.

The Council met pursuant to adjournment.

On motion of Mr Swazey,

Resolved, That the Committee on the Territorial Affairs, to whom was referred that part of the Governor's Message relating to the Disputed Boundary between the State of Missouri and the Territory of Iowa, be instructed to report to this House a memorial to Congress, at as early a day as practicable, praying that honorable body to establish the boundary line between the said State and Territory.

Mr Hepner, from the Committee on Finance, to whom was referred Bill No. 7, H. R. file, entitled "An Act regulating Grocery License," reported the same to the Council with amendments, which were read a first time and ordered to a second reading on to-morrow.

Mr Payne, on previous notice, and leave being granted, introduced "A Bill for taking the Census, or enumeration of the inhabitants of the Territory of Iowa," which was read a first time.

Mr Lewis moved that the Bill be rejected, which motion on leave of the Council, he withdrew, and the bill was ordered to be printed.

Mr Payne gave notice that on to-morrow, or on some future day, he would move for leave to introduce a "Bill to provide for Common Schools."

Mr Swazey, on previous notice, and leave being granted, presented a "Bill to incorporate the Iowa Academy of Literature, Arts and Sciences," which was read a first time.

Mr Hepner moved that the Bill be rejected, which motion was lost, and the Bill was ordered to be printed.

C. F. No. 2. "A memorial for an appropriation for the completion of a road from Du Buque to the Northern boundary of Missouri," was taken up, read a second time, and considered in committee of the whole, Mr Clark in the Chair. After some time, the Committee rose, and through their Chairman, reported said memorial back to the Council with one amendment, which amendment was concurred in and the memorial as amended was ordered to be Engrossed and read a third time on to-morrow.

H. R. file, No. 10. "A Preamble and Joint Resolution relative to the improvement of the Des Moines river" was taken up, read a second time, and considered in Committee of the whole, Mr Hepner in the Chair. After some time, the committee rose, and, through their Chairman, reported the said preamble, &c., back to the Council without amendment, and asked to be discharged from a further consideration of the subject, which report was concurred in.

On motion of Mr Swazey,

The said Preamble and Resolution were referred to a select committee.

The chair appointed Messrs Swazey, Browne and Ingham said committee.



H. R. file, No. 14, "A memorial for the survey of Skunk river," was taken up, and read a second time.

Mr Parker moved to amend by inserting the name of the Hon. W. W. Chapman in the resolution between the words "to" and "our," which amendment was agreed to, and the bill was ordered to a third reading on to-morrow.

C. F. No. 9, "A bill to authorize evidence by the oath of parties," was taken up, read a third time and passed, and the title agreed to.

H. R. file, No. 5, "A preamble and joint resolution relative to the unsurveyed lands" was taken up, read a third time and passed.

H. R. file, No. 12, "A memorial for the improvement of the Iowa and Cedar rivers," was taken up, read a third time, and passed.

Mr Lewis offered the following:

Whereas, on the fifth day of December, 1838, a joint resolution was adopted by the Legislative Assembly authorizing the Secretary of this Territory to employ Mr Wagner forthwith to engrave an appropriate seal for the Supreme Court of this Territory, also a seal for the U. S. District Court in each organized county in this Territory, therefore

Resolved, That Charles Weston, Esq., be requested to inform the Council whether said resolution has been complied with, and the result of the same.

Which resolution was adopted.

On motion of Mr Hepner,

The Council adjourned until 2 o'clock, P. M.

#### TWO O'CLOCK, P. M.

C. F. No. 7. "A Bill for the Benefit of the Settlers, &c. on the Half Breed Lands" was taken up, read a third time and passed, and the title agreed to.

On motion of Mr Lewis,

The Council adjourned.

#### Thursday Morning, Nov. 21, 1839.

The Council met pursuant to adjournment.

On motion of Mr Swazey,

Resolved, That the standing committee on Roads be instructed to enquire into the expediency of memorializing Congress, on the subject of an appropriation for the purpose of improving the Territorial Road from the Town of Keokuk on the Mississippi River, in the county of Lee, to Iowaville, at or near the Indian boundary line in the county of Van Bu-



ren, which Road was located by an act of the Legislature, approved Dec. 14, 1838.

Mr Hepner, from the committee on Enrollments, reported that they had examined

"An act to authorize the Legislative Assembly to punish for contempt, and to privilege the members from arrest,"

"A Resolution relative to the appointment of a Fiscal Agent," also

"A memorial of Jeremiah Smith," and report them correctly enrolled.

Mr Parker from the select committee to whom was referred the memorial H. R. file, on Post Roads in Iowa, reported the same back to the Council with amendments, which amendments were read, laid upon the table, and the memorial ordered to be printed as amended.

Mr Hepner from the committee on Finance, to whom was referred the Report of the Directors of the Penitentiary, reported a memorial to Congress asking an appropriation of twenty thousand dollars to aid in completing said Penitentiary, which was read and ordered to be printed.

Mr Payne, from the committee on the Territorial Library, to whom was referred the Resolution passed the 18th inst. reported, that they had performed their duty, and that it has been the pleasure of His Excellency Governor Lucas to comply with the same, that a catalogue of Books is herewith submitted for the inspection of the Council, and that the original Invoices are in possession of the committee, which his Excellency requests may be returned, as they will be needed in settling with his agent.

On motion of Mr Payne,

The Report, &c. was laid on the table, and one hundred copies of the Catalogue were ordered to be printed in pamphlet form, and one hundred copies of the Report and accompanying Documents in sheet form.

Mr Parker, from the committee on the Judiciary, reported Bill No. 1. C. F. back to the Council with amendments, which were read and laid on the table, and the Bill as amended was ordered to be printed.

Mr Parker, from the same committee, reported Bill No. 3, H. R. file, back to the Council with amendments, which were read, and laid on the table, and the Bill as amended was ordered to be printed.

H. R. File, No. 7, "A bill to regulate Grocery license," was taken up, read a second time, and considered in committee of the whole, Mr Payne in the chair. After spending some time in consideration of said bill, the committee rose, and, through their chairman, reported the same back to the Council without amendment, which report was concurred in.

Mr. Parker offered the following as an amendment to the bill.

Sec. 7. Any person keeping or wishing to keep a grocery in an incorporated town or city, must in addition to county license, procure one from the corporate authorities of such town or city. And unless such license be procured, such person shall be subject to the penalties of this act.

On which amendment the ayes and nays were called for, and were as follows:

Those who voted in the affirmative were Messrs Clark, Inghram, Parker and Payne, 4.

Those who voted in the negative were, Messrs Hepner, Hughes, Keith, Lewis, Ralston, Swazey and Mr President, 7.

So the amendment was lost.



Mr Clark moved to amend the 1st Sec. by striking out the word "twenty-five," and inserting "fifty," on which motion the yeas and nays were called, and were as follows :

Those who voted in the affirmative were Messrs Clark, Hughes and Parker, 3.

Those who voted in the negative were Messrs Hepner, Inghram, Keith, Lewis, Payne, Ralston, Swazey and Mr President, 8.

So the amendment was lost.

On motion of Mr Payne,

The Council adjourned until 2 o'clock, P. M.

## TWO O'CLOCK, P. M.

Mr Lewis asked leave of absence for Mr Browne until Monday next, which was granted. The Council resumed the consideration of bill No. 7, H. R. file, "A bill to regulate grocery license."

Mr. Swazey offered the following amendment :

Provided, That no provision of this act shall be so construed as to interfere or in any way abridge the powers and privileges heretofore granted to the cities and corporated towns within this Territory,' which amendment was agreed to.

Mr Clark offered the following amendment :

If a majority of the legal voters in any county, township, incorporated city or town shall petition the board of county commissioners or other authority hereby authorized to grant licenses, desiring that spirituous liquors shall not be retailed within the bounds of said county, township, or incorporated city or town, then and in that case it shall not be lawful to grant any grocery license in said county, township, city, or town, until a majority of the legal voters in said county, township, city or town shall in like manner, petition for the granting of said licenses.

On motion of Mr Swazey,

A call of the House was had, and absent members sent for.

On motion of Mr Payne,

The further call of the House was suspended, and the yeas and nays were called for on the adoption of the proposed amendment, and were as follows :

Those who voted in the affirmative were Messrs Clark, Inghram, Parker and Payne, 4.

Those who voted in the negative, were Messrs Hepner, Hughes, Keith, Lewis, Ralston, Swazey and Mr President, 7.

So the question was lost.

Mr Parker offered the following amendment:—

If a majority of two thirds of the legal voters in any county, township, incorporated city or town, shall petition the board of county commissioners or other authority hereby authorized to grant licenses, desiring that spirituous liquors shall not be retailed within the bounds of said county, township or incorporated city or town, then, and in that case, it shall not be lawful to grant any grocery license in said county, township, city or town, until a majority of the legal voters in said county, township, city or town, shall in like manner petition for the granting of said licenses.



On the adoption of the amendment, the yeas and nays were required, and were as follows :—

Those who voted in the affirmative were Messrs Clark, Inghram, Parker and Payne, 4.

Those who voted in the negative were Messrs Hepner, Hughes, Keith, Lewis, Ralston, Swazey and Mr President, 7.

So the amendment was lost.

Mr Clark moved that the further consideration of the Bill be indefinitely postponed, which motion was, on leave of the Council, withdrawn, and the yeas and nays were required on the question of its third reading, which were as follows :—

Those who voted in the affirmative were Messrs Hepner, Hughes, Keith, Lewis, Ralston, Swazey and Mr President, 7.

Those who voted in the negative were Messrs Clark, Inghram, Parker and Payne, 4.

So the Bill was ordered to a third reading on to-morrow.

On motion of Mr Clark,

Resolved, That the standing committee on Roads be instructed to enquire into the expediency of memorializing Congress on the subject of an appropriation for the improvement of the Territorial Road, located and established by an act approved Jan. 25, 1839; and commencing at the ferry landing opposite Oquaka, Illinois, and terminating at Napoleon in Johnson county.

C. F. No. 8, "A Bill to authorize the incorporation of Lyceums," was taken up, read a third time and passed, and the title agreed to.

H. R. file, No. 14, "A memorial for the improvement of Skunk river," was taken up, read a third time, and passed.

On motion of Mr Clark,

The Council adjourned.

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Friday Morning, Nov. 22, 1839.

The Council met pursuant to adjournment.

The following Message was received from the House of Representatives by Mr Fales, Chief Clerk :

Mr President: The House of Representatives have passed

No. 15, H. R. file, entitled "A memorial to Congress for a donation of Land for Literary purposes."

No. 17, H. R. file. "A memorial to Congress for establishing another Land District in this Territory."

No. 18, H. R. file. "Joint Resolution relative to Russell & Reeves, printers of the laws of last session."



The House have also passed .

No. 5, C. F., "A joint resolution relative to the distribution of the Acts of the 25th Congress," with amendments, in which the concurrence of the Council is requested.

Mr. Clark gave notice that he would on some future day move for leave to introduce "A bill to incorporate the Iowa Flouring and Manufacturing Company."

No. 15, H. R. file, "A memorial to Congress for a donation of land for literary purposes," was taken up, read a first time, and ordered to a second reading.

Mr. Lewis asked leave of absence for Mr. Wallace, Secretary of the Council, until Monday next, which was granted.

On motion of Mr Payne,

The joint resolution, H. R. file, relative to Messrs Russell and Reeves was taken up, and read a first time.

On motion of Mr. Inghram,

The resolution was read a second time.

On motion of Mr. Inghram,

The rule of the Council prohibiting the second and third reading on the same day was suspended, and the resolution was read a third time and passed.

On motion of Mr Clark,

The Council adjourned until Monday morning next, at 10 o'clock.

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### Monday Morning, Nov. 25, 1839.

The Council met pursuant to adjournment.

Mr Lewis presented the petition of Messrs Quigley and Dixon, Committee, &c. on the subject of ferry privileges at the town of Du Buque, which was read and referred to the Committee on Incorporations.

Mr Parker, from the committee on the Judiciary, to whom was referred bill No. 6, H. R. file, "A bill to provide for the election of County Treasurers and to define their duties," reported the same to the Council with amendments, the report was concurred in, the amendments were read a first time, and ordered to a second reading.

Mr. Whittlesey, from a select committee to whom was referred the communication of the Hon. W. W. Chapman, reported

That the committee have been unable to ascertain whether copies of the memorials or resolutions referred to by Col. Chapman in his communication have ever been forwarded, with the exception of the one received by him and forwarded by his Excellency Gov. Lucas, they would therefore recommend the passage of the following resolution:



Resolved by the Council and House of Representatives of the Territory of Iowa, That Charles Weston be requested to make and forward to the President of the Senate and Speaker of the House of Representatives of the United States, and to the Hon. W. W. Chapman, our delegate to Congress, each a copy of all memorials and resolutions of the last session now in his possession, the object of which is to obtain the aid or action of the Congress of the United States.

The Council concurred in the Report, and the Resolution was read a first time and ordered to be printed.

Mr Parker gave notice that he would, on to morrow, move for leave to introduce the following bills:

"A bill relative to Coroners and their duties."

"A bill to provide for the appointment of Notaries Public, and to prescribe their duties," and

"A bill concerning the size of counties and providing a way in which county lines may be altered."

The following message was received from the House of Representatives, by Mr. Fales, Chief Clerk:

Mr President,

The House of Representatives have passed No. 1, H. R. file, entitled "A bill to provide for the incorporation of townships."

The House have concurred in the first amendment made by the Council to No. 5, H. R. file, entitled "Preamble and Joint Resolutions relative to the unsurveyed lands," and disagreed to the second amendment.

The House have disagreed to the amendment of the Council to No. 12, H. R. file, entitled "Memorial for the improvement of the Iowa and Cedar rivers." In which the concurrence of the Council is requested.

I herewith present for your signature the following, the same having been signed by the Speaker of the House of Representatives:

No. 1, C. F. entitled "Memorial of Jeremiah Smith."

No. 3, C. F. entitled "Joint Resolution relative to the appointment of Fiscal Agent."

No 14, H. R. file, entitled "Memorial for a survey of Skunk River,"

No. 3, C. F. entitled "An Act to authorise Vinson H. Wamsley, and Barnet Ristine, to erect a dam across the Cedar Fork of Skunk River, &c."

No. 2, C. F. entitled "an act to authorise the Legislative Assembly to punish for contempt, &c." which were severally signed by the president of the Council.

No. 5, C. F. "Joint Resolution relative to the distribution of the acts of the 25th Congress," having been returned from the House of Representatives, with amendments, was taken up, the amendments were read, and

On motion of Mr Hepner were disagreed to.

No 17, H. R. file "A memorial to Congress for establishing another Land District in this Territory" was taken up, read a first time and ordered to a second reading.

Bill No. 3, H. R. File, "A bill to provide for the appointment of Librarian, and for other purposes," being under consideration as amended by the Judiciary Committee, was read a second time and considered in committee of the whole, Mr Lewis in the chair. After some time spent in consideration of said bill, the committee rose, and through their chair-



man, reported the same back to the Council, with sundry additional amendments, which amendments were concurred in.

Mr Clark moved to amend the 1st section, by striking out after the word "appointed," and insert "by the Governor, by and with the advice and consent of the Legislative Council."

On motion of Mr Hepner,

A call of the Council was had, and absent members sent for.

On motion of Mr Hepner,

The further call of the Council was dispensed with.

The yeas and nays were called for on the proposed amendment, and were as follows:

Those who voted in the affirmative were Messrs Clark, Keith, Swazey and Mr. President, 4.

Those who voted in the negative, were Messrs Browne, Hepner, Ingraham, Lewis, Parker, Ralston, and Whittlesey, 7.

So the amendment was lost, and the bill as amended was ordered to a third reading.

The following message was received from the House of Representatives by Mr Fales, Chief Clerk :

Mr President,

The House of Representatives have passed No. 34, H. R. file, entitled "A bill in relation to the safe custody of persons arrested for crimes and misdemeanors" in which the concurrence of the Council is requested.

On motion of Mr Swazey,

Bill No. 34, H. R. file was taken up, read a first and second time, and considered in committee of the whole, Mr Parker in the chair. After spending some time in consideration of said Bill, the committee rose, and through their chairman, reported the Bill back to the Council, without amendment, which report was concurred in.

Mr Parker moved to amend by striking out in Sec. 6. the word "aid" where it occurs the second time, and insert "assistance" which motion, he, on leave of the Council withdrew.

Mr Parker, moved to amend 4th Sec. after the word "writing" to insert "Signed and Sealed by the officer making the same," which was agreed to, and the Bill as amended was ordered to a third reading.

On motion of Mr Swazey,

The Rule of the Council prohibiting the second and third reading of a Bill on the same day, was suspended, and the Bill was read a third time.

Mr Parker, moved to amend the fifth section of the Bill by inserting between the words "otherwise" and "discharged" the word "lawfully" which was agreed to by unanimous consent of the Council.

Mr Lewis then moved to insert the following as an additional section.

Sec. 8. That no expense that may be incurred in conveying persons to other counties, who are arrested for any offence relative to the disputed Territory between Missouri and this Territory, shall come under the provisions of the foregoing section of this act, but such expense shall be paid out of any money in the Territorial Treasury not otherwise appropriated, which was not agreed to.

The Bill was then passed and the title agreed to.

No. 1, C. F A Bill relative to Landlords and Tenants, was read a sec-



42

ond time as amended by the Judiciary Committee, and before further action thereon

On motion of Mr Parker,  
The Council adjourned, until 2 o'clock, P. M.

### TWO O'CLOCK, P. M.

No. 1, C. F. "A Bill relative to Landlords and Tenants" was read a second time, and

On motion of Mr Parker,

Was ordered to be considered in committee of the whole, and made the special order of the day for to-morrow.

No. 3, C. F. "A memorial in relation to the Penitentiary" was read a second time, and

On motion of Mr Parker, was referred to the committee on Territorial Affairs.

On motion of Mr Payne,  
The Council adjourned.

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### Tuesday Morning, Nov. 26, 1839.

The Council met pursuant to adjournment.

Mr Payne offered the following:

Resolved, that the select committee to whom was referred that part of the governor's message relating to forming a State constitution, be required to report by Thursday morning next, which

On motion of Mr Clark, was laid on the table.

The following message was received from the House of Representatives, by Mr. Fales, chief clerk:

Mr President: The House of Representatives have concurred in the amendments made by the Council to "An act in relation to the safe custody of persons arrested for crimes and misdemeanors."

I also present the said act for your signature, the same having been signed by the Speaker of the House of Representatives."

The said Act was then signed by the President of the Council.

On motion of Mr Hepner

Resolved, That the committee to whom was referred that part of the Governor's message which relates to the election of Delegate to congress, be instructed to report on Saturday next.

Mr Whittlesey from the committee on enrollments, presented the following receipt from his Excellency Governor Lucas:



EXECUTIVE DEPARTMENT,  
November 25, 1839.

Received of Charles Whittlesey, Esq. member of the legislative assembly, the following bills and memorials, submitted for my consideration, to wit:

"An act to authorise Vinson H. Wamsley and Barnet Ristine, to erect a dam across the Cedar Fork of Skunk River, &c." also "an Act to authorise the Legislative Assembly to punish for contempt, &c." "memorial of Jeremiah Smith," also "Joint resolution relative to the appointment of Fiscal Agent." (Signed) ROBERT LUCAS.

Mr Lewis from the committee on Territorial affairs presented a "memorial upon the subject of the disputed boundary line between this Territory, and the state of Missouri," which was read a first time, and ordered to be printed.

Mr Parker on previous notice, and leave being granted, introduced the following bills, viz:

No. 12, C. F. "A bill relative to coroners and their duties,"

No. 13, C. F. "A Bill concerning the size of counties, &c."

No 14, C. F. "A bill to provide for the appointment of Notaries Public, and to prescribe their duties,"

Which were severally read a first time and ordered to be printed.

No. 1, H. R. file, "An Act to provide for the incorporation of Townships," was read a first time and ordered to a second reading.

H. R. file, No. 5, "A Preamble, &c. relative to unsurveyed lands," having been returned from the House of Representatives with their disagreement to the amendment of the Council, was taken up, and

On motion of Mr Hepner,

The Council insisted on the amendment.

H. R. file, No. 12, "Memorial for the improvement of the Iowa and Cedar rivers," having been returned, the amendment of the Council was also disagreed to by the House of Representatives.

On motion of Mr Hepner,

The Council insisted on the amendment.

H. R. file, No. 14. "Memorial for a survey of Skunk river," having been returned from the House of Representatives with the amendment of the Council disagreed to,

On motion of Mr. Hepner,

The Council insisted on the amendment.

C. F. No. 10, A Bill for taking the Census, &c. was taken up and read a second time.

Mr Hepner moved to lay the bill on the table.

Mr Payne asked for a call of the House, which was had, and absent members sent for, and

On motion of Mr Hepner, the further call was dispensed with.

The question of laying the bill on the table was then put and agreed to.

C. F. No. 11. "A bill to incorporate the Iowa Academy of Literature, Arts and Sciences," was taken up, read a second time, and considered in committee of the whole, Mr Payne in the chair. After spending some time in consideration of said bill, the committee rose, and through their



chairman reported the same back to the Council with sundry amendments, which report was concurred in.

Mr Payne moved further to amend the bill by striking out the 9th Sec. The yeas and nays being required on this question, were as follows:

Those who voted in the affirmative were Messrs Hepner, Inghram and Payne, 3.

Those who voted in the negative were Messrs Browne, Clark, Hughes, Keith, Lewis, Parker, Ralston, Swazey, Whittlesey, and Mr President, 10.

So the amendment was lost.

Mr Whittlesey moved to strike out the words "without limitation," in the 9th Section, and insert the words "for twenty years."

Mr Inghram moved to amend the amendment by striking out the 9th Section and inserting the following in its stead :

Sec. 9. Be it further enacted, that nothing in this act shall be so construed as to prevent any future Legislature from altering, amending or repealing said act whenever they shall be satisfied that the privileges herein granted have been abused to the injury of the community at large,

Which was accepted by the mover of the original amendment, and adopted by the Council, and the bill as amended was ordered to be engrossed and read a third time.

On motion of Mr Hepner,

The Council adjourned until 2 o'clock, P. M.

## TWO O'CLOCK, P. M.

H. R. file, No. 4, "An act to create the office of Public Printer and to define his duties," being the special order of the day, was taken up and considered in committee of the whole, Mr Inghram in the chair. After spending some time in consideration of said bill, the committee rose, and through their chairman, reported progress and asked leave to sit again on to morrow, which was granted.

The following message was received from the House of Representatives by Mr. Fales, Chief Clerk :

Mr President,

The House of Representatives have passed No. 19, H. R. file, "A bill to provide for the organization of the county of Delaware and to locate the seat of justice thereof."

No 20, H. file, "A memorial to Congress, for an appropriation to construct a rail road from Lake Michigan to the Mississippi river."

No. 24, H. R. file, "A bill for the relief of persons having conscientious scruples against bearing arms in time of peace."

In all of which the concurrence of the Council is requested.

No. 1, C. F. "A bill relative to landlords and tenants," being the special order of the day, was taken up and considered in committee of the whole, Mr Swazey in the chair. After spending some time in consideration of said bill the committee rose, and through their chairman, reported the same back to the Council with sundry amendments, which amendments were concurred in, and the bill as amended was ordered to be engrossed and read a third time on Friday next.



Mr. Payne gave notice that he would, on \_\_\_\_\_ or on some future day, move for leave to introduce "A bill to legalize the acts of the county commissioners of Henry county, in appointing an agent to transact the business pertaining to the sale of the county pre-emption, under the act of Congress of the 26th May, 1824, and also to empower said agent to convey the titles in accordance with the sales already made by their agent, J. B. Teas.

No. 4, C. F. "A bill concerning deeds and mortgages, and to prevent frauds," was taken up, read a third time, passed and the title agreed to.

No. 2, C. F. "A memorial on the subject of an appropriation on the Territorial Road from Du Buque to the northern boundary of Missouri, was taken up, read a third time and passed.

No. 7, H. R. file, "A bill regulating grocery license" being under consideration,

Mr Payne moved that the further consideration of the bill be postponed until the 4th of July next.

The yeas and nays were required on this question and were as follows:

Those who voted in the affirmative were Messrs. Inghram, Parker, Payne, and Whittlesey, 4.

Those who voted in the negative were, Messrs. Browne, Hepner, Hughes, Keith, Lewis, and Mr. President, 6.

So the question was lost.

On motion of Mr. Inghram,

The bill was recommitted to a select committee. The chair appointed Messrs Inghram, Lewis, Clark, Hepner and Parker said committee.

Mr. Whittlesey from the joint committee on enrollments reported

That they had presented to the Governor for his approval and signature, H. R. file No. 34, "an Act in relation to the safe custody of persons arrested for crimes and misdemeanors."

Mr. Hughes gave notice that he would on to-morrow, or on some future day, move for leave to introduce

"A bill to legalise the acts of the surveyor of Henry county," and

"A bill to district the county of Henry, into three separate commissioner districts."

H. R. file No. 3, "A bill to provide for the appointment of a Librarian and for other purposes," was taken up and read a third time.

Mr Parker moved to strike out the word "at" and insert "previous to," in the 14th section, which was agreed to by unanimous consent of the Council.

Mr Whittlesey moved to refer the bill to a select committee, which was agreed to, and the Chair appointed Messrs Whittlesey, Parker and Swazey said committee.

On motion of Mr Hughes,

The Council adjourned.



Wednesday Morning, Nov. 27, 1839.

The Council met pursuant to adjournment.

Mr. Whittlesey, from a select committee to whom was referred H. R. file, No. 3, "A bill to provide for the appointment of a Librarian, and for other purposes," reported the same with two amendments.

On motion of Mr Clark,

The question was taken on the amendments separately, and they were both disagreed to by the Council.

On motion of Mr Clark,

The Bill was recommitted to the committee on the judiciary.

H. R. file, No. 19. "A bill to provide for the organization of the county of Delaware and to locate the seat of justice thereof," was taken up, read a first time, and ordered to a second reading.

H. R. file, No. 20, "A memorial to Congress for an appropriation to construct a rail road from Lake Michigan to the Mississippi river," was taken up and read a first time.

Mr. Hughes moved to lay the memorial on the table, which motion was lost.

Mr Hughes moved to reject the memorial, which motion, on leave of the Council, he withdrew, and the memorial was ordered to a second reading.

H. R. file, No. 24, "A bill for the relief of persons having conscientious scruples against bearing arms in time of peace," was taken up and read a first time.

Mr Payne moved to reject the bill, which motion he, on leave of the Council, withdrew, and the bill was ordered to a second reading.

H. R. file, No. 2, "A memorial to Congress on the subject of Post Roads in Iowa," was taken up, and the amendments made by the committee on Territorial affairs, were read a second time, and,

On motion of Mr Lewis,

Was committed to a committee of the whole, and made the order of the day for to-morrow.

No. 1, H. R. file, "A Bill to provide for the incorporation of Townships," was taken up and read a second time.

Mr Inghram moved to refer the Bill to the committee on Territorial Affairs.

Mr Parker moved to amend by referring the same to a committee of the whole, which motion was lost.

Mr Lewis then moved to amend by referring the Bill to the Judiciary committee, which last motion was agreed to.

On motion of Mr Inghram,

Mr Lewis was added to the committee on the Judiciary.

Mr Fales, Chief Clerk of the House of Representatives, being announced, delivered the following message :



Mr. President: The House of Representatives request that a committee of conference may be appointed in relation to the disagreeing vote of the two Houses, on Nos. 5, 12, & 14, H. R. file, and have appointed Messrs Hawkins, Langworthy and Bailey, the committee on the part of the House.

The House insist on their amendment to a joint resolution relative to the distribution of the acts of the 25th Congress.

No 15, H. R. file, "Memorial for a donation of land for literary purposes, was taken up, read a second time, and

On motion of Mr. Parker

Was amended by striking out the word "College" and inserting "University," and the memorial as amended was ordered to a third reading.

Mr Clark moved to suspend the rule prohibiting the second and third reading on the same day, which was agreed to, and the memorial was read a third time, and

On motion of Mr. Parker,

The memorial was amended by prefixing a caption thereto, which was agreed to by unanimous consent of the Council.

On motion of Mr Inghram,

The memorial was further amended by unanimous consent of the Council by inserting "W. W. Chapman" before the words "our delegate" in the resolution, and the memorial as amended was passed.

No 17, H. R. file, "memorial to congress for the establishment of another Land District in this Territory, was taken up, read a second time, and considered in committee of the whole, Mr Lewis in the chair. After some time spent therein, the committee rose, and by their chairman reported the same to the Council, with an amendment, and asked to be discharged from the further consideration of the subject, which report was concurred in, and

On motion of Mr. Clark,

The memorial was referred to the committee on Territorial affairs.

On motion of Mr Lewis,

The Council adjourned until 2 o'clock, P. M.

## TWO O'CLOCK, P. M.

H. R. file, No. 6, "A bill to provide for the election of County Treasurers and to define their duties," was taken up, and the amendments reported by the Judiciary committee, were read a second time. The Council resolved itself into a committee of the whole for the consideration of said amendments, Mr Clark in the chair. After spending some time therein, the committee rose, and, through their chairman, reported to the Council that they had adopted the amendments made by the Judiciary committee, which report was concurred in, and the bill as amended, was ordered to a third reading on to-morrow.

Mr. Clark from the Judiciary committee, to whom was referred H. R. file, No. 3, "A bill to provide for the appointment of a Librarian and for other purposes," reported the same with two amendments to the Council.



On motion of Mr Parker,  
The first amendment was rejected.

Mr. Parker moved to amend the second amendment by striking out "two hundred and ten" and inserting the words "two hundred and fifty," which was lost.

Mr. Parker then moved to amend by striking out the same words and inserting "two hundred," which was also lost, and

The second amendment of the committee on the Judiciary was adopted, and the bill as amended was ordered to a third reading on to morrow.

Mr Fales, clerk of the House of Representatives, being announced delivered the following message:

Mr President:

The House of Representatives have passed No. 25, H. R. file. "A Bill to regulate the institution of suits by foreign Executors and Administrators in this Territory."

No. 26, H. R. file, "A Bill to amend an Act relative to the Penitentiary."

No. 27, H. R. file, "A Bill regulating Marriages," in which the concurrence of the Council is requested.

The consideration of H. R. file No. 4. "An Act to create the office of Public Printer, and to define his duties," was resumed in committee of the whole, Mr Inghram in the chair. After spending some time in consideration of said Bill, the committee rose, and through their chairman, reported the same to the Council with sundry amendments, which amendments were concurred in.

Mr Lewis offered the following amendment,

Sec. 7. If the public printer elected under the provisions of this Act shall fail to print the Laws within the time above specified, the Secretary of the Territory is authorized, and he is hereby required to employ other printers to perform the work herein required of said public printer.

Mr Parker moved to amend the amendment by inserting between the words "required" and "to" the words "if he deem it expedient," which was agreed to.

And the amendment as amended was adopted.

Mr Clark moved further to amend the Bill by inserting between the words "two" and "sufficient" in section 6 the words "or more," and by adding to the said section "which Bond to be approved by the Governor," which amendment was agreed to, and the Bill as amended was ordered to a third reading on to-morrow.

On motion of Mr Hepner,  
The Council adjourned.



Thursday Morning, Nov. 28, 1839.

The Council met pursuant to adjournment.

Mr Clark, on previous notice, and leave being granted, introduced "A bill for the relief of the poor," which was read a first time, and ordered to be printed.

Mr Hughes, on previous notice, and leave being granted, introduced "A bill to make valid in law the Acts of Mathew Mather, &c.," which was read a first time, and ordered to be printed.

Mr Swazey, from the committee to whom was referred H. R. file, No. 10, "A preamble and resolution relative to the improvement of the Des Moines river," reported the same with sundry amendments, which amendments were read a first time, and ordered to a second reading.

C. F. No. 5, "A joint resolution relative to the distribution of the Acts of the 25th Congress," having been returned again from the House of Representatives with a message informing the Council that they insisted on their amendment, was taken up, and,

On motion of Mr Clark,

The Council insisted on their disagreeing vote.

On motion of Mr Clark,

The Chair appointed Messrs Clark, Hepner and Payne, a committee of Conference in relation to the said disagreeing vote on said joint resolution," &c. to confer with a similar committee on the part of the House of Representatives.

Mr Clark moved that a committee of conference be appointed on the part of the Council to act with a similar committee appointed on the part of the House of Representatives, in relation to the disagreeing vote of the two houses on memorials Nos. 5, 12 and 14, H. R. file, which was agreed to, and

The Chair appointed Messrs Clark, Parker and Hepner said committee.

No. 25, H. R. file, "A bill to regulate the institution of suits by foreign executors," &c., was taken up, read a first time, and ordered to a second reading.

No. 26, H. R. file, "A bill to amend 'An act relative to the Penitentiary,'" was taken up, read a first time, and ordered to a second reading.

H. R. file, No. 27, "A bill regulating marriages," was taken up, read a first time, and ordered to a second reading.

No. 19, H. R. file, "A bill to provide for the organization of the county of Delaware," &c., was taken up, read a second time, and considered in committee of the whole, Mr Whittlesey in the chair; after spending some time, the committee rose, and through their chairman, reported the same back to the Council, with sundry amendments, which amendments were concurred in.



Mr Parker moved to amend the bill by striking out in the 6th section, the words "within thirty days," and insert the words "at the first regular session of their board," which amendment was agreed to, and the bill as amended, was ordered to a third reading on Saturday next.

H. R. file, No. 20, "A memorial to Congress for an appropriation to construct a Railroad from Lake Michigan to the Mississippi river," was taken up, read a second time, and considered in committee of the whole, Mr. Parker in the chair; after spending some time in consideration of said memorial, the committee rose, and through their chairman, reported the same back to the Council, with one amendment.

On the question of adopting the report of the committee, the yeas and nays were required, and are as follows:

Those who voted in the affirmative, were Messrs Clark, Hughes, Inghram, Keith, Swazey, Whittlesey and Mr President—7.

Those who voted in the negative, were Messrs Browne, Hepner, Lewis, Parker and Payne—5.

So the amendment was adopted.

On motion of Mr Payne,

The caption of the memorial was referred to the committee on Territorial affairs.

H. R. file, No. 24, "A bill for the relief of persons having conscientious scruples against bearing arms in time of peace," was taken up, read a second time, and considered in committee of the whole, Mr Hepner in the chair; after spending some time in consideration of said bill, the committee rose, and through their chairman, reported the same back to the Council with one amendment, and asked to be discharged from a further consideration of the subject, which report was adopted.

Mr Payne moved to refer the bill to a select committee, which motion was lost.

On motion of Mr Hughes,

The Council adjourned until 2 o'clock, P. M.

## TWO O'CLOCK, P. M.

No 12, C. F. "A bill relative to coroners and their duties," was taken up, read a second time and considered in committee of the whole, Mr. Browne in the chair. After spending some time therein, the committee rose, and through their chairman, reported said bill back to the Council, without amendment, which report was concurred in, and the bill was ordered to be engrossed and read a third time on Saturday next.

No 13, C. F. "A bill concerning the size of counties, &c." was taken up, read a second time, and on motion of Mr. Browne, was referred to the committee on the Judiciary.

No. 6, C. F. "A joint resolution respecting the forwarding of copies of memorials, resolutions, &c. to Congress," was taken up, read a second time, and considered in committee of the whole, Mr. Payne in the chair. After some time spent therein, the committee rose, and, through their chairman, reported the same back to the Council without amendment, which report was adopted, and the said resolution was ordered to be engrossed and read a third time on Monday next.



H. R. file, No 2, "A memorial on the subject of Post Roads in Iowa," as amended by the Judiciary committee, was taken up, being the special order of the day, and considered in committee of the whole, Mr. Parker in the chair. After spending some time in consideration of said memorial, the committee rose, and through their chairman, reported the same back to the Council, without any additional amendments, which report was concurred in.

On motion of Mr. Parker,

The amendments proposed by the Judiciary committee were adopted, and the memorial as amended, was ordered to a third reading on to-morrow.

H. R. file, No. 3, "A Bill to provide for the appointment of a Librarian, and for other purposes," was taken up and read a third time.

Mr Lewis moved to amend the Bill by striking out the words "two hundred and ten" and inserting "two hundred and fifty" in the 15th Section, which motion was lost. The Bill then passed, and title agreed to.

H. R. file, No. 4, "An Act to create the office of Public Printer, and to define his duties," was taken up, and read a third time.

Mr Parker moved to amend the 4th Section, by inserting the words "similar to the Acts of the last Congress," after the words "Pamphlet form," which was agreed to by unanimous consent of the Council, after which the bill passed, and title agreed to.

H. R. file, No 6, "A bill to provide for the election of county treasurers, and to define their duties," was taken up, read a third time, and passed, and title agreed to.

On motion of Mr Keith,  
The Council adjourned.

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Friday Morning, Nov. 29, 1839.

The Council met pursuant to adjournment.

On motion of Mr Browne,

Resolved, That the Committee on Military Affairs be instructed to memorialize Congress for an appropriate amount either in money or lands for the survey and construction of a military road from Fort Madison, to a contemplated military post to be erected on the Des Moines river, somewhere contiguous to the Racoon fork of said river on the cordon of posts already established from Fort Leavenworth to Fort Snelling.

Mr Browne, from the committee on Territorial Affairs, to whom was referred memorial No. 3, C. F. reported a substitute therefor, which was read a first time and ordered to a second reading.



No. 10, H. R. file, A Preamble and Joint Resolution relative to the improvement of the Des Moines river, was read a second time and considered in committee of the whole, Mr Hepner in the chair, after some time spent therein the committee through their chairman reported the same back to the Council without amendment, which report was concurred in and the Preamble and Joint Resolution was ordered to a third reading on to-morrow.

No. 4, C. F. A memorial upon the subject of the disputed boundary line between this Territory and the State of Missouri, was read a second time.

Mr Lewis moved to amend in the 16th line by striking out the word "return" and insert "secure" which was agreed to.

On motion of Mr Lewis,

The memorial was further amended by adding thereto the following Resolution:

Resolved, That the Governor of this Territory forward one copy of this memorial to the President of the Senate of the United States, one to the Speaker of the House of Representatives and one to the Hon. W. W. Chapman our Delegate in Congress.

On motion of Mr Swazey,

The rule prohibiting the second and third reading of Bills, &c. on the same day was suspended, and the memorial as amended was read a third time and passed.

Mr Hughes, on previous notice and leave granted, presented Bill No. 17, C. F. to district the county of Henry in three County Commissioner districts, which was read a first time and ordered to be printed.

No. 14, C. F. "A Bill to provide for the appointment of Notaries Public," was read a second time and considered in committee of the whole, Mr Clark in the chair, after some time spent therein the committee rose and through their chairman reported the Bill to the Council, with amendments which were concurred in and the bill as amended, ordered to be engrossed and read a third time on Monday next.

Mr Fales, Chief Clerk of the House of Representatives being introduced delivered the following message.

Mr President:

I herewith present for your signature, a Resolution relative to Russell and Reeves, printers of Laws of the last session, the same having been signed by the Speaker of the House of Representatives.

The President thereupon signed said Resolution.

No. 15, C. F. "A Bill for the relief of the poor," was read a second time, and,

On motion of Mr Clark,

Was laid upon the table for the present.

No. 25, H. R. file, "A Bill to regulate the institution of suits by foreign Executors and Administrators within this Territory," was read a second time, and,

On motion of Mr Clark,

Was referred to the Judiciary Committee.

No. 26, H. R. file, "A Bill to amend an act relative to the Penitentiary," was read a second time and considered in committee of the whole,



Mr Inghram in the chair, after some time spent therein the committee, by their chairman reported the same to the Council without amendment, which report was concurred in.

Mr Hughes moved to amend by striking out "1,000 dollars" and insert "800 dollars," which was not agreed to.

On motion of Mr Clark,

The Bill was referred to the Judiciary Committee.

No. 27, H. R. file, "A Bill regulating Marriages," was read a second time, and considered in committee of the whole, Mr Lewis in the chair, after some time spent therein, the committee through their chairman reported the same to the Council with amendments, which were concurred in.

On motion of Mr Payne,

The Council adjourned until 2 o'clock, P. M.

## TWO O'CLOCK, P. M.

On motion of Mr Lewis,

H. R. file, No. 27, "A Bill regulating Marriages," was referred to the Committee on the Judiciary.

On motion of Mr Hughes,

The Council adjourned until Monday morning at 10 o'clock.

## Monday Morning, Dec. 2, 1839.

The Council met pursuant to adjournment.

Mr Browne presented the petition of Joseph N. Green, praying for a divorce, which was referred to the committee on the Judiciary.

Mr Browne presented a preamble and joint resolutions relative to releasing the Sheriff of Clark county, Missouri, &c. which was read a first time and ordered to be printed.

On motion of Mr Lewis,

Resolved, That the standing committee on Territorial Affairs be instructed to enquire into the expediency of memorializing Congress to grant an appropriation for the improvement of the harbor of Du Buque, in this Territory, and that they report by memorial or otherwise.

Mr Browne presented a preamble and joint resolution relative to the sale of lots in Iowa city, which was read a first and second time, and

On motion of Mr Parker, was laid on the table.

Mr Clark, on previous notice, and leave being granted, introduced a "Bill to incorporate the Iowa Flouring Mill and Manufacturing Company," which was read a first time and ordered to be printed.



C. F. No. 3. "A memorial relative to an additional appropriation for the Penitentiary," was taken up, read a second time, and ordered to be engrossed and read a third time on to-morrow.

C. F. No. 16. "A Bill to make valid the acts of Matthew Mather," &c. was taken up, read a second time, and ordered to be engrossed and read a third time on to-morrow.

C. F. No. 17. "A Bill to district the county of Henry into three Commissioners Districts," was taken up and read a second time.

Mr Payne moved to amend the Bill by striking out in Sec. 2, the word "one," in the second line, and inserting in the third line, between "district" and "according," the words "one county commissioner alternately," which was agreed to, and the bill as amended was ordered to be engrossed and read a third time on to-morrow.

H. R. file, No. 24. "A Bill for the relief of persons having conscientious scruples against bearing arms, &c." was taken up, read a second time, and

On motion of Mr Clark, was laid on the table.

C. F. No. 11. "A Bill to incorporate the Iowa Academy of Literature, Arts and Sciences," was taken up, and

On motion of Mr Parker, was laid on the table.

H. R. file, No. 2. "A memorial on the subject of Post Roads in Iowa," was taken up, read a third time and passed.

Mr. Fales, Chief Clerk of the House of Representatives, being introduced, delivered the following message:

'Mr President: The House of Representatives have passed

No. 22, H. R. file, "A memorial to Congress for an amendment to the Organic Law."

No. 28, H. R. file, "A Bill to regulate conveyances."

No. 29, H. R. file, "A Bill to encourage the destruction of wolves."

No. 31, H. R. file, "A Bill for the relief of the administrators of the estate of the late Benj. W. Clarke." In all of which the concurrence of the Council is requested.'

H. R. file, No. 10, "A preamble and joint resolution relative to the improvement of the Des Moines River," was taken up, read a third time and passed.

C. F. No. 6, "A Resolution relative to memorials and Resolutions passed at the last session," was taken up read a third time and passed.

H. R. file, No. 19, "A Bill to provide for the organization of the county of Delaware, &c." was taken up, read a third time and passed.

C. F. No. 1, "A Bill relative to Landlords and Tenants" was taken up, read a third time, and passed and title agreed to.

C. F. No. 14, "A Bill to provide for the appointment of Notaries Public, &c." was taken up and read a third time.

Mr Lewis moved to amend by striking out in the 6th Sec. all after the word "dower," which was agreed to by unanimous consent of the Council, and the Bill as amended passed and title agreed to.

H. R. file, No. 22, "A memorial to Congress for an amendment to the Organic Law," was taken up read a first time, and ordered to a second reading.



H. R. file, No. 28, "A Bill to regulate conveyances," was read a first time, and ordered to a second reading.

H. R. file, No. 29, "A Bill to encourage the destruction of wolves," was read a first time and ordered to a second reading.

H. R. file, No. 31, "A Bill for the relief of the administrator of the Estate of the late Benj. W. Clarke," was read a first time, and ordered to a second reading.

On motion of Mr Inghram,

Resolved, That the Standing Committee on Finance be instructed to enquire into the expediency of amending the laws now in force respecting Estrays, and that they report by Bill or otherwise.

On motion of Mr Parker,

The Council adjourned until 2 o'clock, P. M.

## TWO O'CLOCK, P. M.

On motion of Mr Browne,

The Council adjourned.

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## Tuesday Morning, Dec. 3, 1839.

The Council met pursuant to adjournment.

Mr Payne offered the following:

Resolved, That the Committee on Public buildings be instructed to enquire of the acting commissioner of the seat of government at Iowa city

1st, What number of lots are sold,

2d, To whom they are sold,

3d, How much cash has been paid for the same,

4th, How many lots have been forfeited,

5th, Whether or not the money paid, has been paid into the Territorial treasury.

On motion of Mr Clark,

The resolution was ordered to be laid on the table until Monday, the 16th inst.

Mr Parker from the judiciary committee, to whom was referred H. R. file, No. 25, "A Bill to regulate the institution of suits by foreign Executors, &c." reported the same to the Council with sundry amendments, which were concurred in.

Mr Parker, from the same committee, to whom was referred H. R. file No. 26, "A Bill to amend an act relative to the Penitentiary," reported



the same to the Council with three amendments, the adoption of one of which, would supersede action on the other two, which report was concurred in.

Mr Browne moved the adoption of the first amendment, which is as follows: Strike out all after the enacting clause, of the first Sect. and insert "that the directors shall each be allowed a salary of three hundred dollars per annum, which shall be paid by the Superintendent of the Penitentiary quarterly out of the fund for the erection of said building, he taking receipts for the same," which was not agreed to.

Mr Parker moved the adoption of the second amendment which is as follows:

Add to Sect. 1. the words "Provided that no one Director shall receive pay for more than seven visits to said building in any one year."

Which was agreed to, and the Bill as amended was considered in committee of the whole, Mr Swazey in the chair. After spending some time in consideration of said Bill, the committee rose, and through their chairman, reported some progress, and asked to be discharged from a further consideration of the subject, which report was concurred in.

On motion of Mr Payne,

The Bill was referred to a select committee, to be composed of one member from each Electoral district.

The chair appointed Messrs Payne, Browne, Clark, Lewis, Inghram, Parker, Swazey and Whittlesey said committee.

Mr Fales, Chief Clerk of the House of Representatives, being introduced, delivered the following message.

Mr President:

The House of Representatives have receded from their amendments to the Resolution relative to the distribution of the acts of the 25th Congress, and have concurred in the amendments of the Council to No. 3, H. R. file, "A Bill to provide for the appointment of Librarian, and for other purposes."

The House have concurred in all the amendments made by the Council to No. 4, H. R. file, "A Bill to create the office of Public Printer, and to define his duties," except that made to the 4th Sect. to which the House have disagreed; and have amended the amendments of the Council to the 6th and 8th sections.

The House have concurred in all the amendments made by the Council to No. 6, H. R. file, "A Bill to provide for the election of County Treasurers and to define their duties," except the first amendment to the first section, the striking out of the 7th section, the last amendment made to the 8th section, and the addition of the 13th section, to all of which the House have disagreed. The House have concurred in the first amendment made by the Council to No. 15, H. R. file, "A memorial to Congress for a donation of Land for literary purposes," and have disagreed to the second amendment.

The House have passed No. 35, H. R. file, "A Bill to provide for the execution of title Deeds to lots in Iowa city, and for other purposes," in all of which I am directed to ask the concurrence of the Council.

The House have also passed No. 4, C. F. "Memorial on the subject of the disputed Boundary with Missouri "without amendment."



Mr Whittlesey from the Committee on Enrollments, reported that said committee had presented to his Excellency, the Governor, for his approval and signature, Joint Resolution H. R. file, relative to Russell and Reeves, printers of the laws of the last session."

C. F. No. 7, "Preamble and Joint Resolutions relative to the discharge of the Sheriff of Clark county, Missouri, &c." was taken up and read a second time.

Mr Swazey moved that the consideration of said preamble, &c. be indefinitely postponed.

Mr Clark moved to amend by laying them on the table, which was agreed to.

C. F. No. 18, "A Bill to incorporate the Iowa Flouring Mill, and Manufacturing Company," was read a second time, and

On motion of Mr. Clark, was laid on the table.

H. R. file, No. 22, "Memorial to Congress to amend the Organic law," was read a second time, and ordered to a third reading on to-morrow.

Mr Payne presented the petition of Lewis Watson, praying for privilege to erect a dam across the Cedar fork of Skunk river," which, on his motion, was referred to a select committee.

The Chair appointed Messrs Payne, Browne, and Swazey said committee.

On motion of Mr Parker,

The Council adjourned until 2 o'clock, P. M.

## TWO O'CLOCK, P. M.

The President laid before the Council the following communication from Charles Weston, Fiscal Agent, &c.

*Burlington, Nov. 30, 1839.*

To the Honorable the President of the Legislative Council of the Territory of Iowa,

Sir:—Yesterday I received from His Excellency, Governor Lucas, a joint resolution of the Honorable the Legislative Assembly, appointing me fiscal agent for the territory, with authority to take charge of all public funds, drafts, &c. properly belonging to the department of the Secretary of the Territory, and requiring me to make such disbursements as legally shall pertain to my appointment, and containing sundry other necessary provisions.

For the information of the Honorable the Legislative Assembly, I will state that their said resolution received the sanction of the Executive, on the 25th instant; and that a proper *bond* has been executed by me in the sum of \$20,000, with the requisite securities, to the Governor of the Territory which has been duly approved by him as required in and by said resolution.

It is probably well understood by the members of the Legislative Assembly that no public funds were left in his office by the late Secretary of the Territory; but it is believed that drafts to meet the expenses of the present session are now on the way here from the department at Washington, and that upon their arrival, there will be no difficulty in negotiating them at this place; and even if no funds should reach here before the



close of the session, it is hoped and expected that a loan sufficient to cover the demands of the Legislature may be effected upon pledging the faith of the territory for its repayment.

In accepting the appointment of fiscal agent, and in entering upon the discharge of my duties under the resolution, allow me to express to the Honorable the Legislative Assembly, the high regard which I entertain for this mark of their confidence, and to beg their acceptance of the assurance that in the official intercourse with them, which my appointment will necessarily induce, it will be my pride, as it will be my duty, to use the best endeavors of which I am capable, to make that intercourse agreeable and satisfactory.

Permit me to request the Honorable the President of the Council to order a copy of this communication to be transmitted to the Honorable the Speaker of the House of Representatives, together with an expression of my most respectful regard; while you will please accept for yourself the sincere respect with which I have the honor to be,

Sir, your very obedient servant,

CHARLES WESTON,

*Fiscal Agent for the Territory of Iowa.*

On motion of Mr Inghram,

The communication was ordered to be printed.

No. 4, H. R. file, "An act to create the office of public printer, and to define his duties," having been returned from the House of Representatives, with their disagreement to the amendment of the Council to the 4th section, and with amendments to the amendments of the Council on the 6th and 8th section, being under consideration,

On motion of Mr. Clark,

The Council receded from their amendment to the 4th section, and concurred in the additional amendments made by the House to sections 6 and 8.

No. 28, H. R. file, "A bill to regulate conveyances," was read a second time, and

On motion of Mr Lewis,

Was referred to the committee on the judiciary.

No. 29, H. R. file "A bill to encourage the destruction of wolves," was read a second time, and considered in committee of the whole, Mr Browne in the chair.

After spending some time in consideration of said bill the committee rose, and through their chairman, reported the same to the Council, with sundry amendments, which amendments were concurred in.

Mr Inghram offered the following amendment to the close of section 2: "And it shall be the duty of said Justice to destroy the scalp upon granting such certificate," which was agreed to, and the bill as amended was ordered to a third reading on to-morrow.

No 31, H. R. file, "A bill for the relief of the administrators of the estate of the late Benj. W. Clark, was read a second time, and considered in Committee of the whole, Mr. Parker in the chair. After some time, the committee rose, and through their Chairman reported said bill back to the Council without amendment, which report was concurred in, and the bill was ordered to a third reading on to-morrow.



C. F. No. 3, "A memorial for an additional appropriation for the Penitentiary was read a third time and passed.

No. 35, H. R. file "A bill to provide for the execution of title deeds to lots in Iowa city," &c. was read a first and second time, and made the special order of the day for Friday next.

No. 6. H. R. file, "A bill to provide for the election of County Treasurers, and to define their duties," having been returned from the House of Representatives with their disagreement to the amendments of the Council in several sections of the bill, being under consideration,

On motion of Mr Parker,

The Council receded from their amendment to section 1.

On motion of Mr Hepner,

The Council insisted upon their amendment to the 7th section.

Mr Clark moved that the Council recede from their amendment to section 8, which was lost, and

On motion of Mr. Browne,

The Council insisted on their amendment to said section.

On motion of Mr Hepner,

The Council insisted on their amendment of the 13th section.

H. R. file, No 15 "Memorial for a donation of land for literary purposes," having been returned from the House of Representatives with their disagreement to the amendment of the Council, being under consideration,

On motion of Mr Lewis,

The Council receded from their amendment.

On motion of Mr Lewis,

The Council adjourned.

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### Wednesday Morning, Dec. 4, 1839.

Council met pursuant to adjournment.

Mr Browne presented the petition of W. A. Richardson, administrator of Benjamin O. Henly, praying for privilege to dispose of certain lots in the town of Fort Madison, &c., which was read and referred to the committee on the judiciary, with instructions to report by bill or otherwise.

C. F. No. 12, "A bill relative to coroners and their duties," was read a third time, and passed, and title agreed to.

C. F. No. 17, "A bill to district the county of Henry into three commissioners districts," was read a third time.

Mr Parker moved to amend the 3d section, by striking out the word "from" and insert the word "at."

Mr Payne moved to amend by striking out the whole of section 3,



which was agreed to by unanimous consent of the Council, and the bill, as amended, passed, and title agreed to.

The following message was received from the House of Representatives, by Mr. Fales, chief clerk.

Mr President: The House of Representatives have concurred in all the amendments made by the Council to

No. 2, H. R. file, "A memorial to Congress on the subject of post roads in Iowa," excepting the 1st, 5th, 10th, 11th, and 15th, to which they have disagreed.

The House have concurred in all the amendments made by the Council to No. 10, H. R. file, "Preamble and joint resolution relative to the improvement of the Des Moines river."

The House have concurred in all the amendments made by the Council to No. 19, H. R. file, "A bill to provide for the organization of the county of Delaware, and to locate the seat of justice thereof," except the 1st and 2d, to which the House have disagreed.

The House have stricken out the enacting clause of No. 8, C. F. "A bill to authorize the incorporation of lyceums."

The House have passed,

No. 7, C. F. "A bill for the benefit of settlers, &c. on the Half Breed Lands," with amendments, also,

No. 30, H. R. file, "A bill to prevent the exercise of foreign jurisdiction within this territory." In all of which I am directed to ask the concurrence of the Council.

Mr Keith asked leave of absence for Mr Swazey until Monday next, which was granted.

H. R. file, No. 22, "A memorial to Congress for amending the organic law," was read a third time and passed.

H. R. file, No. 25, "A bill to regulate the institution of suits by foreign executors, &c." was read a third time and passed.

H. R. file No. 29, "A Bill to encourage the destruction of Wolves," was read a third time.

Mr Lewis moved to strike out all after the enacting clause, which motion, on leave, he withdrew, and

On motion of Mr Inghram,

The Bill was referred to a select committee. The chair appointed Messrs Inghram, Whittlesey, and Browne said committee.

H. R. file, No. 31, "A Bill for the relief of the administrators of the estate of Benj. W. Clark," was read a third time.

The Yeas and Nays being required on the passage of said Bill, were as follows:

The Ayes were Messrs Browne, Clark, Hepner, Hughes, Inghram, Keith, Lewis, Parker, Whittlesey and Mr President, 10.

The Nays were Messrs Payne and Ralston, 2.

So the Bill passed, and the title agreed to.

No. 2, H. R. file, "A memorial on the subject of Post Roads in Iowa," being under consideration, having been returned from the House of Representatives with their disagreement to the 1st, 5th, 10th, 11th and 15th amendments of the Council.



The Council receded from their 1st, 5th, 10th and 11th amendments, and insisted on their 15th.

H. R. file, No. 19, "A Bill to provide for the organization of the county of Delaware, &c." being under consideration, having been returned from the House of Representatives with their disagreement to the 1st and 2d amendments of the Council. The Council receded from said amendments.

C. F. No. 8, "A Bill to authorize the incorporation of Lyceums," having been returned from the House of Representatives with the enacting clause stricken out,

On motion of Mr Hepner,

The Council disagreed to the amendment made to said Bill by the House.

No. 7. C. F. "A bill for the benefit of the settlers, &c. on the half breed lands," being returned from the House of Representatives with two amendments were read and concurred in by the Council.

On motion of Mr Hepner,

The Council adjourned until 2 o'clock, P. M.

## TWO O'CLOCK, P. M.

The Chair announced a communication from Charles Weston, Esq. fiscal agent, accompanied by the correspondence of the late secretary of the territory, and W. Wagner, on the subject of seals for the different courts in this territory, which were read, and

On motion of Mr Payne, referred to the committee on territorial affairs.

Mr Lewis moved for a reconsideration of the vote given yesterday respecting H. R. file, No. 35, "A bill to provide for the execution of title deeds to lots in Iowa city, &c." being made the special order of the day for Friday next.

Mr Payne moved for a call of the Council which was had, and absent members sent for.

On motion of Mr Browne,

The further call was dispensed with.

On Mr Lewis' motion the yeas and nays being required, were as follows:

Ayes, Messrs Browne, Clark, Hepner, Lewis, Parker, Whittlesey and Mr President, 7.

Nays, Messrs Hughes, Inghram, Keith and Payne, 4.

So the motion for reconsidering was agreed to, and

On motion of Mr Lewis,

The Council resolved itself into a committee of the whole for consideration of said bill, Mr Inghram in the chair. After spending some time the committee rose, and through their chairman, reported said bill back to the Council, with several amendments, and before any action was had upon said amendments,

Mr Hepner moved a call of the Council,



Mr Lewis moved that the Council adjourn, on which question the Yeas and Nays being required, were as follows :

Ayes; Messrs Browne, Hepner, Hughes, Inghram, Keith, Lewis, Parker, Whittlesey and Mr President, 9.

Nays, Messrs Clark and Payne, 2.

So the Council adjourned.

### Thursday Morning, Dec. 5, 1839.

The Council met pursuant to adjournment.

Mr Payne, from the committee to whom was referred the petition of Lewis Watson, praying for Mill privilege, &c. reported "A Bill granting a charter to Lewis Watson for Mill privilege, &c." which was read and ordered to be printed.

Mr Payne, from the committee to whom was referred H. R. file, No. 26, "A Bill to amend an Act relative to the Penitentiary," reported the same back to the Council with sundry amendments, which report was concurred in.

Mr Inghram from the committee to whom was referred H. R. file, No. 7, A Bill regulating Grocery License, reported the same back to the Council with sundry amendments, which report was concurred in.

H. R. file, No. 30, "A Bill to prevent the exercise of foreign Jurisdiction within the Territory of Iowa," was read a first time.

H. R. file, No. 35, "A Bill to provide for the execution of title deeds to lots in Iowa city, &c." being under consideration as returned from the committee of the whole,

Mr Hepner offered the following as a substitute for the first amendment:

Sect. 2. The acting commissioner shall quarterly make out and transmit under his hand and seal, to the Treasurer of the Territory, a full statement of all the moneys received and paid out by him in which the Territory is interested.

Sect. 3. It shall be the duty of the Treasurer of the Territory to have the returns aforesaid published in one newspaper within this Territory for four weeks immediately after the reception thereof, and the publishing of such returns shall be paid for as may be prescribed by law.

Mr Inghram offered the following, which was accepted as an addition to the 2d Sect.

And also to make an annual report of the progress of the buildings, which report shall be made to the Legislature within the first fifteen days of its session.



Mr Payne moved to refer the Bill to the committee on Territorial Affairs, which motion, on leave, he withdrew.

On motion of Mr Parker, the Bill was ordered to be laid on the table until to-morrow.

On motion of Mr Browne,  
The Council adjourned.

### Friday Morning, Dec. 6, 1839.

The Council met pursuant to adjournment.

H. R. file No 7, "An act regulating grocery license," was taken up, read a second time, and considered in committee of the whole, Mr. Payne in the chair. After spending some time in consideration of said bill, the Committee rose, and through their chairman, reported the same back to the Council with amendments. The council concurred in all the amendments, with the exception of that made in the 3d section.

On the adoption of which the yeas and nays being required were as follows:

Those who voted in the affirmative were Messrs Browne, Keith, Lewis, Ralston and Mr President, 5.

Those who voted in the negative were Messrs Clark, Hepner, Hughes, Inghram, Parker, Payne, and Whittlesey, 7.

So the amendment was not agreed to.

Mr Lewis moved to refer the bill to the Committee on the Judiciary, which motion, on leave, he withdrew.

Mr Parker moved to strike out the word "Grocery" wherever it occurs in the Bill and insert the words "Grog Shop," and on this motion the yeas and nays being required were as follows:

Those who voted in the affirmative were Messrs Clark and Parker, 2.

Those who voted in the negative were Messrs Browne, Hepner, Hughes, Inghram, Keith, Lewis, Payne, Ralston, Whittlesey, and Mr President, 10.

So the amendment was lost.

Mr Parker moved to amend by striking out the word "Grocery" wherever it occurs, and insert the words "retail liquor store," which was lost.

Mr Clark moved to amend the 1st section by striking out the words "the" "of" and "dollars." and insert the word "a," which was agreed to and the bill as amended was ordered to a third reading on Monday next.

The following message was received from the House of Representatives by Mr Fales, chief clerk:

Mr President: The House of Representatives have passed



No. 32, H. R. file, "A bill to relocate the seat of justice in and for the county of Cedar."

No 36, H. R. file, "A bill authorising aliens and foreigners to hold real estate in the Territory of Iowa."

No 37, H. R. file, a memorial to congress for a further appropriation for the road from Burlington to the Des Moines River.

The House have also passed with an amendment, No 9, C. F. "A bill to authorise evidence by the oath of parties."

The House adhere to their disagreeing vote to the 15th amendment made by the Council to No. 2, H. R. file "A memorial on the subject of Post Roads in Iowa," and have appointed Messrs Summers and Hastings a committee of conference on the part of the House.

No. 26, H. R. file, "A Bill to amend an Act relative to the Penitentiary," with the amendments reported by the Select Committee, was read a second time, and considered in committee of the whole, Mr Inghram in the chair. After some time, the committee rose, and, through their chairman, reported the Bill back to the Council, and asked to be discharged from a further consideration of the subject, which report was concurred in.

On motion of Mr Browne,

The Bill was referred to the Committee on the Judiciary.

No. 30, H. R. file, A Bill to prevent the exercise of foreign Jurisdiction within the limits of the Territory of Iowa: was read a second time.

Mr Payne moved to amend 2d section by inserting the word "such" between the words "any" and "conviction" which was agreed to, and

On motion of Mr Whittlesey,

The Bill was referred to the Judiciary Committee.

Mr Hughes presented "A memorial relative to pre-emption by the County Commissioners of Henry county," which was read a first time.

On motion of Mr Hepner,

The Council adjourned until 2 o'clock.

## TWO O'CLOCK, P. M.

On motion of Mr Parker,

Resolved, That the committee on expenditures be instructed to enquire into the expediency of requesting our delegate in Congress to apply for an additional appropriation to defray the expenses of the present Legislative Assembly, and report thereon as soon as practicable.

C. F. No. 5, "A memorial relative to pre-emption by the County Commissioners of Henry county," being under consideration,

Mr Payne moved that the rule to print memorials, &c. be suspended, and that the memorial be read a second time, and on this question the yeas and nays being required, were as follows:

Those who voted in the affirmative were Messrs Hughes, Inghram, Keith, Lewis and Payne, 5.

Those who voted in the negative were Messrs Hepner, Parker, and Mr President, 3.

The rule required three fourths of the votes of the members present. So the motion to suspend was lost.

No. 2, H. R. file, "A memorial relative to Post Roads in Iowa," being



under consideration, as returned again from the House of Representatives, with their disagreeing vote adhered to.

On motion of Mr Parker,

Messrs Parker and Hepner were appointed a committee of conference, on the part of the Council on the subject of said memorial.

C. F. No. 9, "A Bill to authorize evidence by the oath of Parties," being under consideration as amended by the House of Representatives.

Mr Whittlesey moved to amend the amendment of the House, by striking out the word "them" and insert the words "such party."

Mr Parker moved to amend by striking out the whole of the amendment of the House, and insert the words "any person of such party," which was accepted by Mr Whittlesey, and agreed to by the Council.

H. R. file, No. 36, "A Bill authorizing aliens and foreigners to hold real estate in the Territory of Iowa," was read a first time, and

On motion of Mr Parker, was laid on the table.

H. R. file, No. 37, "A memorial to Congress for a further appropriation for the Road from Burlington to the Des Moines river," was read a first time, and ordered to a second reading.

H. R. file, No. 32, "A Bill to relocate the seat of Justice for the county of Cedar," was read a first time, and ordered to a second reading.

Mr Whittlesey from the Joint Committee on enrollments, reported that they have examined No. 4, "Memorial on the subject of disputed boundary with Missouri," No. 5, Joint Resolution relative to the distribution of the Acts of the 25th Congress; Also No. 7, "An act for the benefit of settlers, &c. on the half breed lands," and find them correctly enrolled, and that they had presented them to his Excellency the Governor, and taken the following receipt:

"Received, Dec, 6, 1839, from Charles Whittlesey, Esq. of the Council, "Memorial (No 4) on the subject of the disputed boundary with Missouri," "Joint Resolution (No 5) relative to the distribution of the Acts of the 25th Congress," also an Act (No 7) for the benefit of settlers on the half breed land," filed for consideration.

(Signed)

ROBERT LUCAS.

Executive Department, Dec. 6, 1839.

On motion of Mr Parker,  
The Council adjourned.



Saturday Morning, Dec. 7, 1839.

The Council met pursuant to adjournment.

Mr Payne offered the following:

Resolved, By the Council and House of Representatives, that the Reporter of the Supreme Court of Iowa furnish the Supervisor of the Laws, a copy of all the Reports of the decisions of the Supreme Court, &c. &c. which shall be printed after the Laws, in the same volume, which was read a first time and ordered to be printed.

Mr Parker offered the following:

Resolved, That a committee of two be appointed on the part of the Council to act in conjunction with a similar committee on the part of the House of Representatives, to wait upon the gentlemen from Missouri, to learn what are their wishes, and report the result of such conference to the respective Houses, which

On motion of Mr Payne, was laid upon the table.

Mr Hepner from the Select Committee appointed for that purpose reported the following:

Memorial No. 6, C. F. to Congress for an appropriation for the completion of a road from Farmington to Du Buque, which was read a first time and ordered to be printed.

Mr Lewis, from the committee on Territorial Affairs, to whom was referred the communication of Charles Weston, Esq. acting Secretary of this Territory, upon the subject of seals for the Supreme and District Courts, &c. of this Territory, beg leave to report the following Resolutions:

Resolved, By the Council and House of Representatives of the Territory of Iowa, That the devices of the seals for the Supreme Court and District Courts, &c. as suggested by the Hon. Wm. B. Conway in his communication to Mr Wm. Wagner, are very appropriate and emblematic of the duties of the several courts to which they belong.

Resolved, That the acting Secretary of this Territory be and he is hereby authorized to pay Wm. Wagner upon the delivery of said seals such sums of money, as is customary for such work, and that he be required to make the necessary distribution of said seals, which was read a first time and the resolutions ordered to a second reading.

No. 5, C. F. A memorial relative to pre-emption by the County Commissioners of Henry county, &c. &c. was read a second time.

Mr Payne then moved that the same be engrossed for a third reading, which was lost.

Mr Inghram then moved that the same be referred to a select committee, with power to send for persons and papers, which was agreed to, and the chair appointed Messrs Inghram, Parker, Hepner and Hughes said committee.

The following message was received from the House by Mr. Fales, their Chief Clerk:—



Mr President,

The House of Representatives have passed No. 2, C. F. "A memorial on the subject of an appropriation on the Territorial Road from Du Buque, to the Northern boundary of Missouri."

No. 38, H. R. file, "A bill to provide for the support of illegitimate children."

No. 40, H. R. file, "A resolution relative to a supervisor, to the printing of the laws of the present session."

In all of which the concurrence of the Council is requested.

No. 37, H. R. file, "A memorial to Congress for a further appropriation for the road from Burlington to the Des Moines river."

Mr Inghram moved to amend, by striking out the words "Des Moines" and insert "Henry," which was lost.

On motion of Mr. Inghram,

The memorial was referred to the committee on Territorial Affairs.

No. 32, H. R. file, "A bill to re-locate the seat of Justice in and for the county of Cedar," was taken up and read a second time.

Mr Whittlesey moved to refer the same to a select committee, which was agreed to, and the chair appointed Messrs Whittlesey, Parker, Lewis, Hepner and Hughes, said committee.

No. 40, H. R. file, "Resolution to appoint a supervisor to the printing of the laws of the present session." Which was read a first time and ordered to a second reading.

No. 38, H. R. file, "A bill to provide for the support of illegitimate children" was read a first time and ordered to a second reading.

Mr Whittlesey gave notice that he would, on some future day, move for leave to introduce a bill relative to costs.

Mr Inghram, from a select committee to whom was referred No. 29, H. R. file, "A bill to encourage the destruction of wolves," reported the same back to the Council with one amendment. Before any action thereon,

On motion of Mr Payne,

The Council adjourned until 2 o'clock, P. M.

## TWO O'CLOCK, P. M.

No. 29, H. R. file, "A bill to encourage the destruction of wolves," which was pending, as amended by the select committee that reported the same this morning, when the Council adjourned this forenoon, was taken up and the amendment read a first time and ordered to a second reading.

On motion of Mr Parker,

The Council adjourned.



Monday Morning, Dec. 9, 1839.

The Council met pursuant to adjournment.

Mr Payne offered the following:

Resolved, by the Council and House of Representatives of the Territory of Iowa, That we regret the unfortunate quarrel with the State of Missouri, and would respectfully request that should the hostile armies meet on the disputed Territory, that they would all lay down their arms and agree to await the decision of Congress and that it would meet the views of a large majority of the people of this Territory, and would be alike honorable to both parties.

Resolved, That it is the sincere desire of this Legislative Assembly, to have peace with the State of Missouri, and that a resort to arms by the State or Territory would not in any wise strengthen the claims of either party, therefore we recommend an amicable adjustment of this quarrel.

Mr Whittlesey moved to lay the resolutions on the table. On which question the yeas and nays being required, were as follows:

Those who voted in the affirmative were Messrs Inghram, Lewis, Ralston, Whittlesey, and Mr President, 5.

Those who voted in the negative were Messrs Hughes, Keith, Parker and Payne, 4.

So the resolutions were laid on the table.

Mr Lewis offered the following:

Resolved, That the committee on the Judiciary to whom was referred that part of the Governor's message which relates to the election of Delegate to Congress, &c. report upon the same by Friday morning next.

Mr Payne moved to amend by striking out the words, "Friday morning next," and insert "the 18th inst." which was agreed to, and the resolution as amended passed.

Mr Parker, from the Judiciary committee, to whom was referred H. R. file, No. 27, "A bill regulating marriages," reported the same back to the Council with several amendments. The report was concurred in, the amendments were read a first time; and ordered to a second reading.

The chair announced two communications from His Excellency the Governor, enclosing nominations, &c.

On motion of Mr Whittlesey,

The Council went into an Executive Session.

After a short time the Council resumed their regular session.

C. F. No. 6, "A memorial for an appropriation for the completion of a road from Farmington to Du Buque," was read a second time, and

On motion of Mr Parker, was referred to a select committee.

The Chair appointed Messrs Parker, Lewis, Hepner, Keith and Browne said committee.

H. R. file, No. 40, "Resolution relative to a Supervisor to the Printing of Laws of the present session," was read a second time and ordered to a third reading on Monday next.



C. F. No. 9, "Resolutions relative to Seals for the several Courts in the Territory," was read a second time, and ordered to be engrossed and read a third time on Monday next.

C. F. No. 10, "Joint Resolution relative to furnishing the Supervisor of the Laws a copy of all the Reports of the Decisions of the Supreme Court," was read a second time.

Mr Whittlesey moved to lay the Resolution on the table, on which question the yeas and nays being required, were as follows:

Those who voted in the affirmative, were Messrs Inghram, Keith, Lewis, Parker, Ralston, Whittlesey, and Mr President, 7.

Those who voted in the negative, were Messrs Hughes and Payne, 2. So the motion was agreed to.

H. R. file, No. 29, "A Bill to encourage the destruction of wolves," was taken up, and the amendments reported by the select committee, were read a second time, and ordered to a third reading on Monday next.

H. R. file, No. 38, "A Bill to provide for the support of Illegitimate Children," was read a second time.

Mr Hughes moved to lay the Bill on the table, which motion, on leave, he withdrew, and

On motion of Mr Parker,

It was referred to the committee on the judiciary.

H. R. file, No. 35, "A Bill to provide for the execution of title deeds to lots in Iowa city," &c. was taken up, and read as amended by the Select Committee, to whom it was referred, and

On motion of Mr Payne,

It was ordered to be laid on the table until the 16th inst.

On motion of Mr Whittlesey,

C. F. No. 18, "A Bill to incorporate the Iowa Flouring Mill and Manufacturing Company," was taken from the table, and considered in committee of the whole, Mr Lewis in the chair. After some time the committee rose, and through their chairman, reported said Bill back to the Council with some amendments, which amendments were concurred in, and the Bill was ordered to be engrossed and read a third time on Monday next.

Mr Whittlesey on previous notice, and leave granted, introduced "A Bill concerning Costs," (No. 20, C. F.) which was read a first time, and ordered to be printed.

Mr Whittlesey moved that the Council adjourn until 2 o'clock, P. M. which was lost.

Mr Lewis moved that the Council adjourn until 2 o'clock P. M. which was also lost.

Mr Payne offered the following:

Resolved, by the Council, That we extremely regret the difficulty that now exists between the Territory of Iowa and the State of Missouri, and that we would recommend a cool, calm and dispassionate action of the hostile armies and save if possible the shedding of blood of those who ought to be and in many instances are brothers and kindred, and before any action was had thereon,

On motion of Mr Inghram,

The Council adjourned until 2 o'clock, P. M.



## TWO O'CLOCK, P. M.

The Resolutions of Mr Payne being under consideration, were,

On motion of Mr Inghram, laid on the table.

Mr Lewis asked leave of absence for Mr Browne until Monday next, which was granted.

Mr Keith asked leave of absence for Mr Swazey until Monday next, which was granted.

Mr Whittlesey offered the following:

Whereas a difficulty has arisen with regard to the boundary line between this Territory and the State of Missouri, and whereas, we regard this as a question of right of property, solely between the United States and the State of Missouri, and believe that a tortuous or disputed possession can be of no permanent advantage to either party, therefore

Resolved, That entrusted to our government and jurisdiction as the Territory now in dispute has been, by the general government, and having exercised that jurisdiction peacefully and uninterruptedly from the time when put in possession, we cannot consistently with our own honor, or our duty to the government of the United States, make any concession with regard to our right of jurisdiction over the disputed Territory.

Resolved, That we most earnestly deprecate the invasion of our Territory on the part of the State of Missouri, as an event which must lead to a sanguinary conflict which can only terminate in the effusion of the best blood of our country, in the destruction of the lives of the citizens of the same soil, of the lives of those who instead of viewing each other as enemies, should regard them as friends, brothers and fellow citizens and be ever ready to peril their lives and fortunes for mutual protection, and that we view a resort to arms to settle this dispute as an act of madness and folly which nothing can justify.

On motion of Mr Lewis,

Said preamble and resolutions were laid on the table.

The following message was received from the House of Representatives, by Mr Fales, Chief Clerk.

Mr President: The House of Representatives have passed Preamble and Resolutions relative to the difficulties between this Territory and the State of Missouri, and have appointed Messrs Leffler, Bailey and Patterson the committee on the part of the House to carry into effect said Resolutions.

The Resolutions referred to in the preceding message were then taken up, read a first and second time, and considered in committee of the whole, Mr Payne in the chair. After spending some time in consideration of said preamble, &c. the committee rose and through their chairman, reported the same back to the Council with one amendment.

Mr Payne moved that the Council do not concur in the report of the committee, and on the adoption of this motion the yeas and nays being required, were as follows:

Mr Payne voted in the affirmative, 1.

Those who voted in the negative were Messrs Hughes, Inghram, Keith, Lewis, Parker, Ralston, Whittlesey and Mr President, 8.



So the report of the committee was concurred in.

Mr Whittlesey moved to refer the Preamble and Resolutions to the committee on the judiciary, and on this question the yeas and nays being required, were as follows :

Those who voted in the affirmative, were Messrs Ralston and Whittlesey, 2.

Those who voted in the negative, were Messrs Hughes, Inghram, Keith, Lewis, Parker, Payne, and Mr President, 7.

So the motion was lost.

On motion of Mr Parker, the following was substituted for the amendment made in Committee of the Whole.

Resolved, That the Governor be requested to forward a copy of these Resolutions to the Governor of Missouri, one to the County Court of Clark county, and copies to the Officers in command on the disputed ground, to be by them presented to the Officers of the Missouri forces.

Mr Whittlesey moved to amend the preamble, &c. by striking out the latter part of the preamble relating to the delegation from Clark county, Mo. &c. which was not agreed to, and said preamble, &c. as amended, ordered to a third reading.

On motion of Mr Parker,

The Rule prohibiting Joint Resolutions, &c. to be read a second and third time on the same day, was suspended, and said preamble, &c. was read a third time, and

On the question of their passage, the yeas and nays being required, were as follows :

Those who voted in the affirmative were Messrs Hughes, Inghram, Keith, Lewis, Parker, Payne, and Mr President, 7.

Those who voted in the negative were Messrs Ralston and Whittlesey, 2.

So the preamble and resolutions passed.

On motion of Mr Whittlesey,

The Council adjourned.

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Tuesday Morning, Dec. 10, 1839.

Council met pursuant to adjournment.

The following message was received from the House of Representatives by Mr Fales, Chief Clerk :

Mr. President,

The House of Representatives have passed No. 6, C. F. "Resolution relative to Memorials and Resolutions passed at the last session."



No. 39, H. R. file, "Memorial relative to the rangers of the last war."

No. 41, H. R. file, "A memorial to the President of the United States for the postponement of the land sales, in the Burlington Land District."

No. 42, H. R. file, "A bill to establish a seminary of learning at Parkhurst in Scott county."

No. 44, H. R. file, "A bill to repeal a part of the 86th section of an act entitled "An act relative to proceedings in Chancery."

No. 49, H. R. file, "A preamble and Resolution asking for an appropriation for the improvement of a Territorial road on the Des Moines river."

No. 50, H. R. file, "A Memorial to Congress for the improvement of the roads therein named."

No. 56, H. R. file, "A bill for the relief of Van Buren County."

In all of which the concurrence of the Council is requested.

The House of Representatives have concurred in the amendments of the Council to

No. 9, C. F. "A bill to authorise evidence by the oath of parties."

I herewith present for your signature "An act for the relief of the administrators of the estate of the late Benj. W. Clark."

"Preamble and resolution relative to the improvement of the Des Moines river."

"Preamble and Resolutions relative to the difficulties between the Territory of Iowa and the State of Missouri."

Which were then severally signed by the President of the Council.

On motion of Mr. Payne,

The Council adjourned until Friday morning next.

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Friday Morning, Dec. 13, 1839.

The Council met pursuant to adjournment.

There not being a quorum present,

On motion of Mr Parker,

The Council adjourned.



### Saturday Morning, Dec. 14, 1839.

The Council met pursuant to adjournment.

Not being a quorum present,

The Council adjourned until Monday morning, at 10 o'clock.

### Monday Morning, Dec. 16, 1839.

The Council met pursuant to adjournment.

A quorum not being present,

On motion of Mr Parker,

The Council adjourned.

### Tuesday Morning, Dec. 17, 1839.

The Council met pursuant to adjournment.

Mr Parker, from the committee on the judiciary, to whom was referred C. F. No. 5, "A bill to prevent unjust imprisonment by securing the benefit of the writ of habeas corpus," reported that said committee had stricken out all after the enacting clause, and inserted a substitute to said bill, which was read a first time, and

On motion of Mr Inghram,

Was ordered to be printed.

H. R. file, No. 39, "A memorial relative to the rangers of the late war," was read a first time, and ordered to a second reading.

H. R. file, No. 41, "A memorial for the postponement of the Land Sales in the Burlington Land District," was read a first time, and ordered to a second reading.

H. R. file, No. 42, "A bill to establish a seminary of learning at Parkhurst, in Scott county," was read a first time, and ordered to a second reading.



H. R. file, No. 44, "A bill to repeal a part of the 86th section of an act entitled "An act relative to proceedings in chancery," was read a first time, and ordered to a second reading.

H. R. file, No. 49, "A preamble and resolution asking an appropriation for the improvement of a territorial road on the Des Moines river," was read a first time, and ordered to a second reading.

H. R. file, No. 50, "A memorial to Congress for the improvement of the roads therein named," was read a first time, and ordered to a second reading.

H. R. file, No. 56, "A bill for the relief of Van Buren county," was read a first time and ordered to a second reading.

H. R. file, No. 27, "A bill regulating marriages," was taken up, and the amendments reported by the Judiciary Committee were read a second time, and the bill, as amended, was considered in committee of the whole, Mr Inghram in the chair. After spending some time in consideration of said bill, the committee rose, and through their chairman reported the same back to the Council with amendments, which were concurred in.

Mr Inghram moved further to amend by striking out the word "judge" wherever it occurs in said bill, which was agreed to.

Mr Parker moved that the words "justices of the peace," be stricken out wherever they occur in said bill, which was lost, and

The bill, as amended, was ordered to a third reading on to-morrow.

The following message was received from the House of Representatives by Mr. Fales, Chief Clerk,

Mr President: The House of Representatives have passed,

No. 33, H. R. file, "A bill relative to the incompatibility of officers."

No. 45, H. R. file, "A bill to repeal a part of an act regulating the issuing of writs of *ne exeat*," &c.

No. 53, H. R. file, "A bill to incorporate the Bloomington education society."

No. 55, H. R. file, "A memorial relative to the Sioux half breed reservation on Lake Pepin."

No. 61, H. R. file, "A memorial for the relief of settlers upon school sections."

No. 3, C. F. "A memorial to Congress for an appropriation for the completion of the penitentiary."

No. 12, C. F. "A bill relative to coroners," &c.

No. 17, C. F. "A bill to district the county of Henry into three county commissioners districts."

Also, with amendments,

No. 14, C. F. "A bill to provide for the appointment of notaries public, and to prescribe their duties."

I herewith present, for your signature,

"An act to create the office of public printer, and to define his duties," and

"A memorial for a donation of land for literary purposes," which were then signed by the President of the Council, and Mr Fales withdrew.

Mr Hepner moved a call of the Council, which was had, and an absent member having returned,

On motion of Mr Inghram,

The further call was dispensed with.



No. 9, C. F. "Joint resolutions relative to seals for the supreme and district courts," &c. was read a third time.

Mr Inghram moved to amend by striking out the word "acting," which was agreed to by unanimous consent of the Council, and the resolutions, as amended, passed.

No. 16, C. F. "A bill to make valid in law the acts of Mathew Mather, &c." was read a third time.

On motion of Mr Hughes, and by unanimous consent of the Council, the word "Mathew" was stricken out, wherever it occurred, and "John C." inserted, and the bill as amended passed, and title agreed to.

No. 18, C. F. "A bill to incorporate the Iowa flouring mill and manufacturing company," was read a third time, and passed, and title agreed to.

Mr Parker, on leave, introduced,

C. F. No. 21, "A bill to define the jurisdiction of the several counties in this territory that front upon the Mississippi river," and

C. F. No. 22, "A bill to be entitled an act to regulate ferries in certain cases," which were read a first time, and ordered to be printed.

On motion of Mr Keith,

The Council adjourned until 2 o'clock, P. M.

## TWO O'CLOCK, P. M.

C. F. No. 20, "A Bill concerning costs, and for other purposes," was read a second time, and

On motion of Mr Hepner,

Was referred to the committee on the judiciary.

C. F. No. 14, "A Bill to provide for the appointment of Notaries Public, and to prescribe their duties," having been returned from the House of Representatives with amendments, was taken up, and

On motion of Mr Parker,

The Council concurred in said amendments.

H. R. file, No. 33, "A Bill relative to the incompatibility of officers."

H. R. file, No. 45, "A Bill to repeal a part of an act regulating the issuing of writs of *ne exeat*," &c.

H. R. file, No. 53, "A Bill to incorporate the Bloomington Education Society."

H. R. file, No. 55, "A memorial relative to the Sioux half breed reservation on Lake Pepin."

H. R. file, No. 61, "A memorial for the relief of settlers upon School sections,"

Were severally read a first time, and ordered to a second reading.

H. R. file, No. 7, "An act regulating grocery license," being the special order of the day, was taken up and read a third time, and on the question of its passage the yeas and nays being required, were as follows:—

Those who voted in the affirmative, were Messrs Hepner, Hughes, Inghram, Keith, Ralston and Mr President, 6.

Mr Parker voted in the negative.

So the bill passed and title agreed to.

The following message was received from the House of Representatives by Mr. Fales, Chief Clerk:—



Mr President: I am instructed to inform the Council that the preamble and resolutions, relative to the difficulties between the Territory of Iowa and the State of Missouri, having been returned by the Governor with his objections, the same have again been considered and passed the House by a majority of two thirds. The concurrence of the Council is asked to the same.

The preamble and resolutions referred to in the preceding message, being under consideration, the objections of His Excellency, Gov. Lucas, were read.

On motion of Mr Hepner,

The further consideration of said preamble, &c. was made the special order of the day for Thursday next.

H. R. file, No. 35, "A Bill to provide for the execution of title deeds to lots in Iowa city," &c. being the special order of the day, was taken up, and

On motion of Mr Parker,

Was laid on the table, subject to the order of the Council.

C. F. No. 22, "A Bill to regulate ferries in certain cases," was read the second time.

Mr Inghram moved to amend, by striking out the 4th section in said bill.

On motion of Mr Hepner,

The bill was referred to the committee on incorporations.

C. F. No. 21, "A Bill to define the jurisdiction of the several counties in this Territory, that front upon the Mississippi river," was read a second time, and was ordered to be engrossed and read a third time on tomorrow.

On motion of Mr Hughes,

The Council adjourned.

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### Wednesday Morning, Dec. 18, 1839.

The Council met pursuant to adjournment.

On motion of Mr Keith,

Resolved, That the Secretary of the Territory be requested to inform the Council whether he has or can procure the means to defray the expenses of the present Legislative Assembly so far as the Members and Officers are concerned.

Mr Hepner, from the Committee on Expenditures who were instructed to inquire into the expediency of requesting our Delegate in Congress to apply for an additional appropriation to defray the expenses of the present Legislative Assembly, &c. reported a Joint Resolution which was read a first time and ordered to be printed.



Mr Parker from the Committee on the Judiciary, to whom was referred that part of the Governor's Message relative to the election of Delegate to Congress and County Recorder, made a report accompanied by "A Bill to amend the Act providing for and regulating general elections in this Territory," on the adoption of which Report the yeas and nays being required were as follows—all voting in the affirmative viz: Messrs Hepner, Hughes, Inghram, Keith, Parker, Payne, Ralston and Mr President, 8.

On motion of Mr Hepner,

Five hundred Copies of said Report were ordered to be printed.

The Bill was then read a first time, and ordered to be printed.

On motion of Mr Inghram.

Resolved, That the Standing Committee on Military affairs be instructed to enquire into the expediency of providing by law for the raising and equipping of one Company of mounted Volunteers from each Regiment of the Iowa Militia, and ask for the necessary equipments from the Secretary of war.

Mr Parker from the Committee on the Judiciary to whom was referred H. R. file, No. 38, "A Bill to provide for the support of illegitimate children" reported the same back to the Council with amendments, which were read a first time.

No. 33, H. R. file, "A Bill relative to the incompatibility of officers" was read a second time, and considered in Committee of the whole, Mr Payne in the Chair. After spending some time in consideration of said Bill, the Committee rose, and through their chairman, reported the same back to the Council with amendments, which were concurred in.

Mr Parker moved to amend the Bill by striking out the third Section, and the yeas and nays being required were as follows :

Those who voted in the affirmative were Messrs Hepner, Hughes, Parker and Payne, 4.

Those who voted in the negative were Messrs Inghram, Keith, Ralston and Mr President, 4.

So the motion to strike out the third section was lost.

On motion of Mr Hepner,

The bill was referred to the committee on the judiciary.

On motion of Mr Inghram,

Mr Hepner was added to said committee.

H. R. file, No. 39, "A memorial relative to the rangers of the late war," was read a second time, and considered in committee of the whole, Mr Parker in the chair. After some time the committee rose, and through their chairman, reported the same back to the Council with one amendment, and asked to be discharged from a further consideration of the subject; which report was concurred in.

On motion of Mr. Payne,

The memorial was laid on the table, subject to the order of the Council.

H. R. file, No. 41, "A memorial relative to the postponement of the land sales in the Burlington District," was read a second time, and

On motion of Mr Inghram,



It was referred to a committee of the whole, and made the special order of the day for Friday next.

H. R. file, No. 42, "A bill to establish a seminary of learning at Parkhurst, in Scott county," was read a second time, and considered in committee of the whole, Mr Hepner in the chair. After some time the committee rose, and through their chairman reported the same back to the Council with amendments.

On motion of Mr Payne,

The bill was referred to the committee on the judiciary.

H. R. file, No. 44, A bill to repeal a part of the 86th section of an act entitled "An act relative to proceedings in chancery," was read a second time, and

On motion of Mr Parker,

Was referred to the committee on the judiciary.

H. R. file, No. 45, "A bill to repeal a part of an act regulating the issuing of writs of ne exeat, &c. was read a second time, and

On motion of Mr Payne,

Was referred to the committee on the judiciary.

H. R. file, No. 49, "A preamble and resolution asking an appropriation for the improvement of a territorial road on the Des Moines river," was read a second time, and ordered to a third reading on Friday next.

H. R. file, No. 50, "A memorial to Congress for the improvement of roads therein named," was read a second time, and

On motion of Mr Hughes,

Was laid on the table.

H. R. file, No. 53, "A bill to incorporate the Bloomington Education Society," was read a second time.

Mr Hepner moved to lay the bill on the table, which was lost.

Mr Payne moved to postpone the bill indefinitely, which, on leave, he withdrew, and

On motion of Mr Parker,

The bill was referred to the committee on incorporations.

H. R. file, No. 55, "A memorial relative to the Sioux half breed reservation on Lake Pepin," was read a second time.

On motion of Mr Payne,

The Council adjourned until 2 o'clock.

## TWO O'CLOCK, P. M.

H. R. file, No. 55, "A Memorial relative to the Sioux half breed reservation on lake Pepin," being under consideration,

On motion of Mr Parker,

It was ordered to a third reading on Saturday next.

H. R. file, No. 56, "A Bill for the relief of Van Buren county," was read a second time, and considered in committee of the whole, Mr Inghram in the chair. After some time the committee rose and asked to be discharged from the further consideration of the subject, which report was concurred in, and

On motion of Mr Keith,



The Bill was referred to a Select Committee. The President appointed Messrs Keith, Inghram and Hughes said committee.

H. R. file, No. 61, "A Memorial for the relief of settlers upon School Sections," was read a second time.

Mr Payne moved to lay the Memorial on the table, on which motion the Yeas and Nays being required were as follows:

Those who voted in the affirmative, were Messrs Hepner, Hughes, Payne and Ralston, 4.

Those who voted in the negative were Messrs Inghram, Keith, Parker and Mr President, 4.

So the motion was lost.

Mr Inghram moved that the Memorial be ordered to a third reading on Saturday next.

Mr Hepner moved that the Memorial be referred to the Committee on Schools, which was agreed to.

The following message was received from the House of Representatives by Mr Fales, Chief Clerk.

Mr President: The House of Representatives have passed No. 1, C. F. "A Bill relative to Landlords and Tenants," also No. 58, H. R. file, A Bill to relocate the seat of Justice of the county of Johnson.

No. 63, H. R. file, A Memorial to Congress for the survey of the Harbor of Du Buque,

In which the concurrence of the Council is requested.

The House have disagreed to the amendments made by the Council to No. 7, H. R. file, "A Bill regulating Grocery License."

C. F. No. 21, "An Act to define the Jurisdiction of the several counties in this Territory that front upon the Mississippi river," was read a third time, and passed, and title agreed to.

H. R. file, No. 27, "A Bill regulating Marriages," was read a third time, and passed, and title agreed to.

H. R. file, No. 7, "A Bill regulating Grocery License," having been returned from the House of Representatives with their disagreement to the amendments of the Council, being again under consideration,

On motion of Mr Inghram,

The Council insisted on their amendments.

Mr Parker from the Judiciary Committee to whom was referred C. F. No. 13, A Bill concerning the size of counties, &c. reported the same back to the Council without amendment.

Mr Payne moved to lay the Bill on the table, on which motion the yeas and nays being required, were as follows:

Those who voted in the affirmative, were Messrs Hepner, Hughes and Payne, 3.

Those who voted in the negative, were Messrs Inghram, Keith, Parker, Ralston and Mr President, 5.

So the motion was lost.

Mr Hepner, moved to amend the Bill by adding the following section. "This act to be in force from and after the first day of June next," which was agreed to, and the Bill as amended was ordered to a third reading on Saturday next.

On motion of Mr Parker,  
The Council adjourned.



Thursday Morning, Dec. 19, 1839.

The Council met pursuant to adjournment.

Mr Parker from the Judiciary Committee to whom was referred H. R. file, No 28, "A Bill to regulate Conveyances," reported the same to the Council without amendment which report was concurred in, and the Bill was ordered to a third reading on to-morrow.

Mr Hepner from the Committee on Enrollments reported that said committee had presented to the Governor on the 13th inst. "An Act for the relief of the administrators of the estate of the late Benj. W. Clarke," "A Preamble and Joint Resolutions relative to the improvement of the Des Moines river," and "A Preamble and Joint Resolutions relative to the difficulty between the Territory of Iowa and the State of Missouri." Also, on the 17th inst. "An act to create the office of Public Printer, and to define his duties," and "A Memorial for a donation of land for literary purposes."

H. R. file, No. 58, "A Bill to relocate the seat of Justice of the county of Johnson,"

H. R. file, No. 63, "A Memorial for the Survey of the harbor at the town of Du Buque," were read a first time, and ordered to a second reading.

H. R. file, No. 38, "A Bill to provide for the support of illegitimate children," was taken up, and the amendments were read a second time, and ordered to a third reading on to-morrow.

"A Preamble and Resolutions relative to the difficulty with Missouri," being again under consideration as returned with the objections of his Excellency the Governor to the same, the said objections, were again read.

On the question of the passage of the Resolutions by a constitutional majority the yeas and nays were as follows:

Those who voted in the affirmative, were Messrs Hepner, Hughes, Inghram, Keith, Parker, Payne and Mr President, 7.

Mr Ralston voted in the negative.

So the Preamble and Resolutions passed.

On motion of Mr Payne,

The communication of the Governor relative to said Preamble and Resolutions, was referred to a Select Committee.

The President appointed Messrs Payne, Parker, Inghram and Keith, said committee.

Mr Parker from the Judiciary Committee, to whom was referred H. R. file, No. 42, "A Bill to establish a Seminary of Learning at Parkhurst in Scott County," reported the same back to the Council, without amendment, which report was concurred in.

Mr Payne moved to lay the Bill on the table, which motion was lost.

Mr Parker moved to amend the Bill by inserting the name of William Hopson in the 1st Section, which was agreed to.

Mr Parker moved that the Bill be read a third time on to-morrow.



Mr Payne moved to amend by naming the 8th of January for the third reading, which was lost, and

The motion for a third reading on to-morrow was agreed to.

Mr Hughes offered the following,

Resolved, That his Excellency Gov. Lucas be respectfully requested to inform this Council who was despatched as Special Messenger to Washington City, and what was the object to be effected.

Mr Ralston moved to lay said Resolution on the table, on which motion the yeas and nays being required were as follows:

Those who voted in the affirmative, were Messrs Hepner, Keith, Parker, Payne, and Ralston, 5.

Those who voted in the negative were Messrs Hughes, Inghram, and Mr President, 3.

So the Resolution was laid on the table.

On motion of Mr Parker,

The Council adjourned until 2 o'clock, P. M.

## TWO O'CLOCK, P. M.

Mr Inghram from the Committee on Schools to whom was referred H. R. file, No. 61, "A Memorial for the relief of Settlers upon School Sections" reported the same to the Council without amendment, which report was concurred in, and the Memorial was ordered to a third reading on Monday next.

Mr Inghram from a Select Committee to whom was referred No. 5, C. F. "A Memorial relative to pre-emption, &c. of the Commissioners of Henry County" reported the same back to the Council without amendment, which report was concurred in, and the Memorial was read a third time.

On motion of Mr Inghram,

The Memorial was laid on the table for the present.

H. R. file, No. 58, "A Bill to re-locate the seat of Justice of the County of Johnson" was read a second time, and ordered to a third reading on to-morrow.

On motion of Mr Inghram,

The "Memorial (C. F. No. 5,) relative to pre-emption, &c. of the Commissioners of Henry County" was taken from the table.

Mr Parker moved to amend the Memorial by striking out the words "or otherwise" which was agreed to by unanimous consent of the Council.

On the question of the passage of said Memorial the yeas and nays being required were as follows:

Those who voted in the affirmative were Messrs Hughes, Inghram, Keith, Parker, Payne, and Mr President, 6.

Those who voted in the negative were Messrs Hepner and Ralston, 2.  
So the Memorial passed.

H. R. file, No. 40, "Resolution relative to a Supervisor to the printing of the laws of the present Session" was read a third time and passed.

On motion of Mr Inghram,

The Council adjourned.



Friday Morning, Dec. 20, 1839.

The Council met pursuant to adjournment.

Mr Ralston offered the following,

Whereas Chauncy Swan, Acting Commissioner of Public Buildings, in his report to the Legislative Assembly, at this session, could not, because of the absence of the Architect, present a plan of the Public Building; and whereas, Mr Rague, the Architect, is now in Burlington with said plan, therefore,

Resolved, That a committee of two be appointed to call on Mr Rague, and request that said plan be exhibited to the Council at 3 o'clock, P. M. of this day,

Which was adopted, and the President appointed Messrs. Ralston and Parker said committee.

The following message was received from the House of Representatives, by Mr. Fales, Chief Clerk:

Mr President: The House of Representatives have passed No. 8, H. R. file, "A bill providing for the appointment and duties of Territorial Treasurer."

I am instructed to inform the Council that the House have concurred in the report of the Committee of Conference on the several memorials and resolutions referred to them.

I herewith present, for your signature "An act to provide for the appointment of a Librarian, and for other purposes," "An act to regulate the institution of suits by foreign executors and administrators within this Territory," "An act to provide for the organization of the county of Delaware, and to locate the seat of justice thereof," and "A memorial to Congress for amending the Organic Law," which were severally signed by the President of the Council, and then Mr Fales withdrew.

H. R. file, No. 63, "A memorial for the survey of the harbor of the town of Du Buque," was read a second time, and ordered to a third reading on to-morrow.

C. F. No. 5, "A bill relative to habeas corpus," was read a second time, referred to a committee of the whole, and made the special order of the day for Monday next.

C. F. No. 23, "A bill to amend the act providing for and regulating general elections in this Territory," was read a second time, and

On motion of Mr Parker,

Was re-committed to the judiciary committee.

C. F. No. 11, "Resolution relative to an additional appropriation to defray the expenses of the present Legislative Assembly," was read a second time.

On motion of Mr Parker,

The blank was filled with the word "fourteen," and the resolution as amended was ordered to be engrossed and read a third time on to-morrow.



H. R. file, No. 28, "A bill to regulate conveyances," was read a third time, and passed, and title agreed to.

H. R. file, No. 42, "A bill to establish a seminary of learning at Parkhurst, in Scott county," was read a third time, and passed, and the title agreed to.

H. R. file, No. 58, "A bill to re-locate the seat of justice of the county of Johnson," was read a third time, and passed, and title agreed to.

H. R. file, No. 38, "A bill to provide for the support of illegitimate children," was read a third time and passed, and title agreed to.

The following message was received from the House of Representatives by Mr Fales, Chief Clerk:

Mr President: The House of Representatives have passed the following:

"Resolved, That a committee of two be appointed to wait upon Mr Rague, the Architect of the Public Buildings at Iowa city, to examine his plans for said buildings, in conjunction with a similar committee appointed by the Council;" and Messrs Hastings and Rich have been appointed on the part of the House.

H. R. file, No. 41, "A memorial for the postponement of the Land Sales in the Burlington Land District," was taken up, and

On motion of Mr Inghram,

Was referred to a Select Committee. The President appointed Messrs Inghram, Clark, Hughes, Browne and Keith said committee.

H. R. file, No. 8, "A Bill providing for the appointment and duties of Auditor of Public Accounts and regulating the duties of Territorial Treasurer," was read a first time, and ordered to a second reading.

Mr Hepner, offered the following:

Resolved, That the Secretary of the Territory is hereby authorized and required to pay to the several officers of the Council the per diem pay as herein specified, viz: to the Secretary of the Council, six dollars, the Assistant Secretary, four dollars, the Enrolling, Recording and Engrossing Clerks, each three dollars, the Sergeant at-Arms, Doorkeeper, Assistant Doorkeeper, Messenger, Assistant Messenger and Fireman, each three dollars, and be it further Resolved that the President of the Council shall issue a certificate countersigned by the Secretary setting forth the number of days each officer has served, naming the office to which each officer has been elected, which certificate when presented shall be a sufficient voucher for the Secretary of the Territory to make his settlement with the Secretary of the Treasury of the United States.

On motion of Mr Hughes,

The Resolutions were amended by allowing four dollars per day to the Sergeant-at-Arms.

On motion of Mr Ralston,

The Resolutions were further amended by allowing the Assistant Secretary five dollars per day.

Mr Hepner moved that the Recording, Enrolling and Engrossing Clerks and the Doorkeeper, Assistant Doorkeeper, Messenger, Assistant Messenger and Fireman, each receive, four dollars per day, which was lost, and the Resolutions as amended were adopted.



Mr Hepner from the Committee on Enrollments reported that they had examined the following and find them as correctly enrolled:

C. F. No. 2, "Memorial on the subject of an appropriation for the Territorial Road from Du Buque to the northern boundary of Missouri."

C. F. No. 9, "An Act to authorize evidence by the oath of parties."

C. F. No. 17, "An Act to district the county of Henry into three County Commissioners Districts."

C. F. No. 6, "Resolutions relative to Memorials and Resolutions passed at the last session," and

C. F. No. 12, "An Act relative to Coroners and their duties."

On motion of Mr Ralston,

The Council adjourned until 2 o'clock, P. M.

## TWO O'CLOCK, P. M.

Mr Hepner, from the Joint Committee on Enrollments reported that they had on this day presented to the Governor, "A Memorial to Congress for amending the Organic Law," "An Act to provide for the appointment of a Librarian and for other purposes," "An Act to regulate the institution of suits by foreign executors and administrators within this Territory," and "An Act to provide for the organization of the county of Delaware and to locate the seat of justice thereof."

Mr Ralston, from the Select Committee appointed for the purpose, reported that they had called on Mr Rague, architect, &c. and that he was now present and ready to exhibit his plans for the Public buildings, &c." which report was adopted.

On motion of Mr Inghram,

Mr Rague was invited within the Bar of the Council to exhibit said plans.

On motion of Mr Browne,

The plans were referred to a Select Committee. The President appointed Messrs Browne, Parker, Payne and Inghram said committee.

On motion of Mr Parker,

The Council adjourned.

## Saturday Morning, Dec. 21, 1839.

The Council met pursuant to adjournment.

H. R. file, No. 8, "A bill providing for the appointment and duties of Auditor of Public Accounts, and regulating the duties of Territorial Treasurer," was read a second time, and

On motion of Mr Hepner,



Was referred to the committee on the judiciary.

The following message was received from the House of Representatives, by Mr Fales, Chief Clerk:

Mr President: The House of Representatives insist upon their disagreement to the amendments made by the Council to No. 7, H. R. file, "A bill to regulate grocery license," and request a conference; Messrs Summers and Biggs have been appointed a committee on the part of the House.

The House have concurred in all the amendments made by the Council to No. 27, H. R. file, "A bill regulating marriages," except the 4th and 7th, to which they have disagreed.

The House have passed,

No. 16, H. R. file, "A resolution relative to the publication of the laws of the present session in the several newspapers in the Territory," in which the concurrence of the Council is requested.

I am directed to inform the Council that the Governor has returned to the House, with his objections, "An act to create the office of public printer, and to define his duties," and that the House have refused to pass the same by the constitutional majority.

I herewith present, for your signature,

"A memorial to Congress on the subject of post roads in Iowa."

Which was then signed by the President, and Mr Fales withdrew.

No. 55, H. R. file, "A memorial to the President of the United States, in relation to the Sioux half breed reservation on Lake Pepin," and

No. 63, H. R. file, "A memorial for the survey of the harbor at the town of Du Buque,"

Were read a third time and passed.

No. 7, H. R. file, "A bill to regulate grocery license," having been returned from the House of Representatives with information that they insisted on their disagreement to the amendments of the Council, being under consideration,

On motion of Mr Payne,

A committee of conference was appointed on the part of the Council, in relation to said bill, and the President appointed Messrs. Payne and Hepner said committee.

H. R. file, No. 27, "A bill regulating marriages," being under consideration as returned from the House of Representatives with their disagreement to the 4th and 7th amendments of the Council,

On motion of Mr Hepner,

The Council insisted on their fourth amendment.

Mr Parker moved that the Council recede from their 7th amendment; which motion was lost, and,

On motion of Mr Payne,

The Council insisted on said amendment.

On motion of Mr Parker,

A committee of conference, in relation to said disagreement, was appointed on the part of the Council, and

The President appointed Messrs Parker and Keith said committee.

H. R. file, No. 16, "A joint resolution relative to publishing the laws in the newspapers," was read a first time.



Mr Parker moved that the Council adjourn until Monday morning, and the yeas and nays being required, were as follows:

Those who voted in the affirmative, were Messrs Hepner, Keith, Ralston, and Mr President, 4.

Those who voted in the negative, were Messrs Hughes, Parker, Payne, and Whittlesey, 4.

So the motion was lost.

On motion of Mr Parker,

H. R. file, No. 16, "A joint resolution relative to publishing the laws in the newspapers," was read a second time.

Mr Payne moved to lay the same on the table, and on this question the yeas and nays being required, were as follows:

Those who voted in the affirmative, were Messrs Hughes, Keith, Payne, Ralston and Mr President, 5.

Those who voted in the negative, were Messrs Hepner, Parker and Whittlesey, 3.

So the Resolution was laid upon the table.

Mr Ralston moved that the Council adjourn until Monday, 10 o'clock, A. M. which was lost.

Mr Payne moved that the vote taken on yesterday on the adoption of the Resolution fixing the per diem pay of the officers of the Council be reconsidered, which was agreed to, and

On motion of Mr Hepner,

The Resolution was referred to a Select Committee, with instructions, to so amend it as to allow the officers therein named, the same per diem allowance, with the exception of the Secretaries, and the Chair appointed Messrs Hepner, Whittlesey and Payne said committee.

Mr Hepner moved that the Council adjourn until 2 o'clock, P. M.

On which question the yeas and nays being required, were as follows:

Those who voted in the affirmative, were Messrs Hepner, Hughes, Keith, Parker, Whittlesey and Mr President, 6.

Mr Payne voted in the negative.

So the Council adjourned.

## TWO O'CLOCK, P. M.

Mr Hepner, from the Select Committee, to whom was referred a Resolution fixing the per diem pay of the officers of the Council, reported the same back to the Council with an amendment.

Mr Hughes moved to lay the Resolution on the table until Monday next, which was not agreed to, the amendment of the Select Committee was then read and concurred in.

Mr Parker then moved to lay the Resolution on the table until Monday, which was agreed to.

Mr Parker, from the Judiciary Committee, to whom was referred No. 23, C. F. "A Bill to amend the 'Act providing for and regulating General Elections in this Territory,' approved January, 25, 1839," reported the bill back with an entire substitute for the same, which report was concurred in, and the substitute read a first time and ordered to a second reading.



Mr Payne, from the Committee on Incorporations, to whom was referred No. 53, H. R. file, "A Bill to incorporate the Bloomington Education Society," reported the same back to the Council with an additional section, which report was concurred in, and the amendment read a first time and ordered to a second reading.

Mr. Whittlesey, from the select committee, to whom was referred No. 32, H. R. file, "A Bill to relocate the seat of justice in and for the county of Cedar," reported the same back to the Council with amendments, which report was concurred in, and the amendments read a first time.

On motion of Mr. Payne,

The amendments were read a second time, and the bill as amended, was considered in committee of the whole, Mr Hepner in the chair. The chairman reported the same with an amendment, which amendment was disagreed to by the Council, and the bill ordered to a third reading on Monday next.

The following message was received from the House of Representatives, by Mr Fales, Chief Clerk:

Mr President: The House of Representatives have passed with amendments,

No. 16, C. F. "A Bill to make valid the acts of John C. Mather, &c."

No. 18, C. F. "A Bill to incorporate the "Iowa Flouring Mill and Manufacturing Company."

The House have concurred in all the amendments made by the Council to

No. 38, H. R. file, "A Bill to provide for the support of illegitimate children," except the striking out the "Proviso" in the 4th section, to which the House have disagreed.

Mr Parker moved to take up No. 38, H. R. file, "A Bill to provide for the support of illegitimate children," the same being returned from the House of Representatives, with their disagreement to the amendment of the Council, to the 4th section of said bill.

Mr Parker moved that the Council insist on their said amendment. On which question the yeas and nays being required, were as follows:

Those who voted in the affirmative, were Messrs Hepner, Hughes, Parker and Ralston, 4.

Those who voted in the negative were Messrs Keith, Payne, Whittlesey and Mr President, 4.

So the motion was lost.

Mr Payne moved that the Council recede from said amendment.

On which question the yeas and nays being required, were as follows:

Those who voted in the affirmative were Messrs Keith, Payne, Whittlesey and Mr President, 4.

Those who voted in the negative, were Messrs Hepner, Hughes, Parker and Ralston, 4.

So the Council did not recede.

Mr Hepner moved that the Council adjourn, which was lost. The yeas and nays being required, were as follows:

Those who voted in the affirmative, were Messrs Hepner, Hughes, Parker and Ralston, 4.



Those who voted in the negative, were Messrs Keith, Payne, Whittlesey, and Mr President, 4.

So the motion was lost.

Mr Payne moved that the Council adhere to their said amendment, which was lost.

Mr Parker moved to lay the bill upon the table until Monday next. On which question the yeas and nays being required, were as follows:

Those who voted in the affirmative, were Messrs Hepner, Hughes, Parker, Ralston, Whittlesey and Mr President, 6.

Those who voted in the negative, were Messrs Keith and Payne, 2

So the Bill was laid upon the table until Monday next.

Mr Parker gave notice that he would, on some future day move for leave to introduce, "A Bill to authorize H. H. Gear to keep a Ferry across the Mississippi river," "A Bill to authorize Elijah Buel to keep a Ferry across the Mississippi at the town of Lyons," and

"A Bill to organize Clinton County, and to provide for locating the County Seat."

Mr Whittlesey gave notice, that he would on some future day move for leave to introduce "A Bill amendatory to 'An Act for assessing and collecting County Revenue, approved January 24, 1839,'" and "A Bill for the relief of certain Territorial Officers."

On motion of Mr Parker,

The Council adjourned until Monday morning next.

### Monday Morning, Dec. 23, 1839.

The Council met pursuant to adjournment.

Mr Payne presented the petition of sundry citizens of the Territory praying for the location of a road from Wapello to Fairfield, which was read, and

On motion of Mr. Payne,

Was referred to a select committee.

The President appointed Messrs Payne, Clark and Hughes said committee.

Mr Inghram introduced a Joint Resolution relative to printing the Laws, &c. of the present session, which was read a first and second time.

On motion of Mr Parker,

Said resolution was made the order of the day in committee of the whole for to-morrow.

Mr Payne from the committee of conference, to whom was referred the disagreeing vote to the amendment made by the Council to H. R. file No. 7, "An act regulating grocery license," reported that they had performed that duty, and that both Houses have agreed to adhere.



On motion of Mr Payne,

The report was laid on the table until to-morrow.

Mr Parker, from the Judiciary Committee, to whom was referred H. R. file, No. 8, "A bill providing for the appointment and duties of Auditor of Public Accounts, and regulating the duties of Territorial Treasurer," reported the same back to the Council with several amendments.

The report was concurred in, and the amendments were read a first time.

C. F. No. 16, "A Bill to make valid in law the acts of John C. Mather, &c." being under consideration, as returned from the House of Representatives with amendments,

On motion of Mr Hughes,

The Council concurred in said amendments.

C. F. No. 18, "A bill to incorporate the Iowa Flouring Mill, and Manufacturing Company," being under consideration with the amendments made thereto by the House of Representatives,

On motion of Mr Payne,

The Council disagreed to said amendments.

H. R. file, No. 53, "A Bill to incorporate the Bloomington Education Society" was taken up; the amendments were read a second time, and the bill as amended was ordered to a third reading on to morrow.

Joint Resolution, No. 11, C. F. relative to an additional appropriation to defray the expenses of the present session of the Legislative Assembly, was read a third time and passed.

C. F. No. 13, "A bill concerning the size of Counties, &c." was read a third time, and passed and the title agreed to.

H. R. file, No. 32, "A bill to relocate the seat of Justice of the County of Cedar" was read a third time and passed, and title agreed to.

H. R. file, No. 61, "A memorial for the relief of Settlers on School Sections" was read a third time, and

On motion of Mr Hepner,

Referred to the Committee on Territorial Affairs.

H. R. file, No. 49, "A Preamble, &c. relative to the improvement of a Territorial Road on the Des Moines River," was read a third time and passed.

H. R. file, No. 38, "A bill to provide for the support of illegitimate children," was taken from the table.

Mr Parker moved to reconsider the vote to adhere to the amendment of the Council given on Saturday last, which was agreed to, and

On motion of Mr Inghram,

The Council insisted on their amendment.

Resolution relative to the pay of Officers of the Council, was taken from the table.

Mr Hughes moved to strike out the word "three" wherever it occurred in said Resolution and insert the word "four" and on this motion, the yeas and nays were required.

Mr Ralston moved a call of the Council, and absent members sent for.

Upon a call of the names of the members, it was found that Messrs Clark, Lewis, Payne, and Whittlesey, were absent.

On motion of Mr Browne,



Mr Clark was excused.

On motion of Mr Inghram,

Mr Whittlesey was excused.

Mr Payne, the absent member, having returned,

On motion of Mr Browne,

The further call of the Council was dispensed with.

Mr Payne then moved a division of the question, which was had, and on the question to strike out, the yeas and nays being required, were as follows:

Those who voted in the affirmative, were Mr Hughes and Mr President, 2.

Those who voted in the negative, were Messrs Browne, Hepner, Inghram, Keith, Parker, Payne, Ralston and Mr Swazey, 8.

So the motion was lost.

Mr Browne then moved to strike out the word three, and insert "four."

Mr Hepner objected to the motion being put, as being out of order.

The Chair decided that the motion was in order.

Mr Hepner then moved a division of the question.

The Chair decided the motion out of order.

From which decision,

Mr Hepner moved an appeal to the Council, which motion was seconded by Mr Payne.

The question being then put, will the Council sustain the decision of the Chair:

The yeas and nays being required, were as follows:

Those who voted in the affirmative, were Messrs Browne, Hughes, Inghram, Keith, Parker, Ralston and Swazey, 7.

Those who voted in the negative, were Messrs Hepner and Payne, 2.

So the decision of the Chair was sustained.

The question then recurred, on the motion of Mr Browne, to strike out the word "three" and insert "four," on which question the yeas and nays being required, were as follows:

Those who voted in the affirmative, were Messrs Browne, Hughes, Inghram, Keith, Ralston and Mr President, 6.

Those who voted in the negative, were Messrs Hepner, Parker, Payne and Swazey, 4.

So the amendment was agreed to.

The question was then taken by yeas and nays on the adoption of the resolution as amended, and were as follows:

Those who voted in the affirmative, were Messrs Browne, Hepner, Hughes, Inghram, Keith, Ralston, Swazey and Mr President, 8.

Those who voted in the negative, were Messrs Parker and Payne, 2.

On motion of Mr Hughes,

The Council adjourned until 2 o'clock, P. M.

## TWO O'CLOCK. P. M.

C. F. No. 5, "A bill relative to habeas corpus," being the order of the day, was taken up, and considered in committee of the whole, Mr Parker in the Chair. After spending some time in consideration of said bill, the



committee rose and through their Chairman, reported the same back to the Council with one amendment, which amendment was not concurred in, and the bill was ordered to a third reading on Friday next.

The following message was received from the House of Representatives, by Mr Fales, Chief Clerk :

Mr President: The House of Representatives have disagreed to the report of the committee of conference relative to No. 7, H. R. file, "A bill regulating grocery license," and have appointed Messrs Brewer and Hastings a committee, on the part of the House, to again take the disagreements of the two Houses under consideration.

The House have passed,

No. 5, C. F. "A memorial to Congress relative to the county seat of Henry county."

No. 9, C. F. "Resolution relative to seals for the several courts."

No. 13, H. R. file, "A bill to amend an act fixing the terms of the supreme and district courts, and for other purposes."

No. 65, H. R. file, "A bill concerning enclosures and trespassing animals."

No. 67, H. R. file, "A bill to regulate the practice of attorneys at law and solicitors in chancery, &c."

No. 69, H. R. file, "A resolution requesting our Delegate in Congress to urge the passage of a law for a post road."

In which the concurrence of the Council is requested. Mr Fales then withdrew.

Mr Parker, on previous notice, and leave granted, introduced No. 24, C. F. "A bill to authorize Elijah Buel to keep a ferry," which was read a first time, and ordered to be printed.

Mr Hepner, on previous notice, and leave granted, introduced C. F. No. 25, "A bill for the benefit of Des Moines county."

Which was read a first time, and ordered to be printed.

On motion of Mr Parker,

H. R. file, No. 8, "A bill providing for the appointment of auditor, &c." was taken up, and the amendments thereto read a second time, and the bill, as amended, was ordered to a third reading on Friday next.

The message from the House of Representatives relative to H. R. file, No. 7, "A bill regulating grocery license," being under consideration,

On motion of Mr Payne,

Was laid on the table until to-morrow.

H. R. file, No. 13, "A bill to amend an act fixing the terms of the supreme and district courts, &c." was read a first and second time, and

On motion of Mr Parker,

Was referred to the judiciary committee.

H. R. file, No. 65, "A bill concerning enclosures and trespassing animals," was read a first time.

Mr Browne moved to reject the bill, which motion was lost.

On motion of Mr Payne,

The bill was read a second time by its title, and,

On motion of Mr Parker,

Was referred to the committee on Incorporations.

H. R. file, No. 67, "A bill to regulate the practice of Attorneys, &c." was read a first and second time, and



On motion of Mr Parker,

Was referred to the committee on the Judiciary.

H. R. file, No. 69, "A Resolution requesting our Delegate in Congress, to urge the passage of a law for a post road" was read a first time, and

On motion of Mr Parker,

It was laid on the table.

Mr Hepner, from the joint committee on Enrollments reported that they had examined the following, and find them correctly enrolled, viz:

C. F. No. 14, "A bill to provide for the appointment of Notaries Public, &c." and

C. F. No. 3, "A memorial to Congress for an additional appropriation for the completion of the Penitentiary."

On motion of Mr Parker,

The committee to whom was referred H. R. file, No. 26, "An act to amend an act to provide for the erection of a Penitentiary, &c." was instructed to report on to-morrow.

On motion of Mr Parker,

The Council adjourned.

## Tuesday Morning, Dec. 24, 1839.

The Council met pursuant to adjournment.

Mr Inghram moved to amend the Journal of yesterday.

Mr Payne moved a call of the Council, which was had. It was found upon the call of the names of the members, that Messrs Clark, Lewis, Swazey and Whittlesey were absent.

On motion of Mr Browne,

Messrs Clark and Whittlesey were excused.

On motion of Mr Parker,

Mr Swazey was excused.

On motion of Mr Payne,

The further call of the Council was dispensed with.

Mr Hepner moved to lay the motion to amend the Journal on the table.

Mr Inghram moved to amend the motion by adding the words "subject to the order of the Council," which was agreed to, and the motion as amended passed.

The following message was received from the House of Representatives by Mr Fales, Chief Clerk.

Mr President: The House of Representatives have appointed Messrs Hawkins and Summers, a committee of conference on the part of the House in relation to the disagreements on No. 27, H. R. file, "A Bill regulating Marriages."



I am directed to inform the Council that the Governor having returned to the House with his objections, "An Act to provide for the appointment of a Librarian, and for other purposes," the House have refused to pass the same by the constitutional majority.

The House have indefinitely postponed No. 21, C. F., A Bill to define the jurisdiction of the several counties in this Territory that front on the Mississippi river. Mr Fales then withdrew.

Mr Payne from the Select Committee, to whom was referred the petition of sundry citizens of the Territory with regard to a road, reported C. F. No. 26, "A Bill to locate and establish a Territorial Road from Fairfield in Jefferson county by way of Jefferson in the county of Henry to Wapello in Louisa county. The report was concurred in, the Bill was read a first time, and ordered to be printed.

Mr Hepner, from the Committee on Enrollments, stated that they had received the following from His Excellency, the Governor.

EXECUTIVE DEPARTMENT, }  
Dec. 24, 1839. }

Received from Mr Hepner of the Council of the Legislative Assembly, "An Act to provide for the appointment of Notaries Public and to prescribe their duties," also, "A memorial to Congress for an additional appropriation for the completion of the Penitentiary," presented for my consideration and approval. (Signed) ROBERT LUCAS.

No. 23, C. F. A Bill providing for and regulating General Elections in this Territory," was read a second time, and considered in committee of the whole, Mr Inghram in the chair. After some time the committee rose, and, through their chairman, reported said Bill back to the Council with one amendment.

Mr Hepner moved to amend the Bill by striking out part of the amendment made in committee of the whole, viz. the words "shall not serve more than four years out of six," which was not agreed to, and the amendment made in said committee was concurred in.

Mr Parker moved further to amend the Bill by adding the following proviso to the last section, viz:

Provided, That no order need be made for such election if no inconvenience to the people will arise by waiting till the next succeeding general election, which was agreed to.

Mr Inghram moved to strike out the word "one" in the 7th section and insert the word "two," which was agreed to, and

The Bill as amended was ordered to be engrossed and read a third time on Friday next.

C. F. No. 24, "A Bill to authorize Elijah Buel to keep a ferry," was read a second time, and ordered to be engrossed and read a third time on Friday next.

C. F. No. 25, "A Bill for the benefit of Des Moines county," was read a second time.

Mr Payne moved that the Bill be referred to a Select Committee, to be composed of one member from each electoral district, and that said committee have power to send for persons and papers, and be instructed to report within ten days, which was agreed to, and the President ap-



pointed Messrs Payne, Parker, Clark, Browne, Lewis, Keith, Whittlesey and Inghram said committee.

On motion of Mr Hepner,

The engrossing of C. F. No. 5, "A Bill relative to Habeas Corpus," was dispensed with.

H. R. file, No. 53, "A Bill to incorporate the Bloomington Education Society," was read a third time and passed, and title agreed to.

On motion of Mr Hughes,

The Council adjourned until 2 o'clock.

## TWO O'CLOCK, P. M.

C. F. No. 12, "Joint resolutions relative to printing the laws, &c. of the present session," having been made the special order of the day, was taken up, and considered in committee of the whole, Mr Payne in the Chair. After spending some time therein, the committee rose, and through their chairman, reported said resolutions back to the Council with amendments, and asked to be discharged from a further consideration of the subject, which report was concurred in.

On motion of Mr Payne,

The resolutions were referred to the committee on the judiciary.

The following message was received from the House of Representatives, by Mr Fales, Chief Clerk:

Mr President: The House of Representatives have passed No. 70, H. R. file, "A bill to authorize Avery Thomas to keep a ferry across the Mississippi river opposite Cordova, Illinois."

No. 71, H. R. file, "A memorial to Congress for an appropriation for a road opposite Burlington in the Mississippi bottom."

No. 73, H. R. file, "A bill for the limitation of suits on penal statutes and criminal prosecutions."

No. 74, H. R. file, "Resolution relative to compensation to J. G. Edwards."

No. 75, H. R. file, "A bill for the relief of the sheriff of Jackson county."

No. 80, H. R. file, "A memorial to Congress on the subject of a turnpike road from Burlington, via Mount Pleasant, to Fairfield."

In all of which the concurrence of the Council is requested.

The House insist upon their amendments to

No. 18, C. F. "A bill to incorporate the Iowa flouring mill and manufacturing company."

The House have receded from their disagreement to amendments made by Council to

No. 38, H. R. file, "A bill to provide for the support of illegitimate children," and have concurred in the amendments made by the Council to

No. 32, H. R. file, "A bill to re-locate the seat of justice in and for the county of Cedar."

I herewith present, for your signature,

"An act to provide for the election of county treasurers and to define their duties."

"Preamble and resolutions relative to the unsurveyed lands."



"Memorial for a survey of Skunk river," and,

"Memorial for the improvement of the Iowa and Cedar rivers."

Which were severally signed by the President, and then Mr Fales withdrew.

The report of the committee of conference, in relation to H. R. file, No. 7, A bill regulating grocery license, was taken from the table.

Mr Parker moved that the report of the committee be concurred in, which was lost.

Mr Inghram moved that the bill be indefinitely postponed, which motion, on leave, he withdrew.

Mr Hepner moved that another committee of conference be appointed.

Mr Hughes moved that the motion be indefinitely postponed, and on this question the yeas and nays being required, were as follows:

Those who voted in the affirmative, were Messrs. Hughes, Inghram, Parker and Payne, 4.

Those who voted in the negative, were Messrs. Browne, Hepner, Keith, Ralston, Whittlesey and Mr President, 6.

So the question was lost.

Mr Parker moved to lay the motion on the table, which was lost.

The question was then taken on Mr Hepner's motion, and was agreed to.

Mr Payne moved that Mr Inghram be appointed chairman. The Council excused Mr Inghram from serving on said committee.

The President appointed Messrs Hepner and Keith said committee.

No. 18, C. F. "A bill to incorporate the Iowa Flouring mill and manufacturing Company," being again under consideration, as returned from the House with their amendments insisted on.

On motion of Mr Hepner,

The Council receded from their disagreeing vote to the first amendment.

Mr Parker moved that the Council insist on their disagreeing vote to the 2d amendment, which was lost.

On motion of Mr Payne,

The Council receded from their disagreeing vote to said amendment.

Mr Hepner moved to insist on the disagreeing vote of the Council to 3d amendment, which was lost.

On motion of Mr Payne,

The Council receded from their disagreeing vote to said amendment.

H. R. file, No. 70, 71, 73, 75, and 80 referred to in the preceding message from the House of Representatives, were severally read a first time and ordered to a second reading.

H. R. file, No. 74, Resolution relative to compensation to James G. Edwards was read a first time, and,

On motion of Mr Payne,

Was laid on the table subject to the order of the Council.

Mr Hepner from the joint committee on enrollments, reported that he had presented to the Governor for his approval, on the 23d inst.,

H. R. file, "A memorial on the subject of Post Roads in Iowa."



Mr Parker moved that the Council adjourn until Friday morning next, and on this question the yeas and nays being required, were as follows:

Those who voted in the affirmative were Messrs Browne, Hepner, Inghram, Keith, Parker, Ralston and Mr President—7.

Those who voted in the negative were Messrs Hughes, Payne, and Whittlesey—3.

So the motion was agreed to, and

The Council adjourned until Friday morning at 10 o'clock.

### Friday Morning, Dec. 27, 1839.

The Council met pursuant to adjournment.

Mr Browne, from the Committee on Territorial Affairs, to whom was referred No. 26, H. R. file, "A Bill to amend 'An Act relative to the Penitentiary,'" reported the same back to the Council with amendments. The Report was concurred in, and the amendments were read a first time.

Mr Hepner, from the committee of conference, appointed to confer with a similar committee on the part of the House of Representatives relative to a disagreeing vote to "A Bill regulating Grocery License," reported that the committee on the part of the House have receded from their disagreeing vote to the amendments made by the Council to said Bill.

Mr Browne, from the Committee on Territorial Affairs, to whom was referred H. R. file, No. 61, "A memorial for the relief of Settlers upon School Sections," reported the same back to the Council without amendment which report was concurred in.

Mr Inghram, from a Select Committee, to whom was referred H. R. file, No. 41, "A memorial for the postponement of the Land Sales in the Burlington District," reported the same back to the Council without amendment, which report was concurred in.

Mr Parker moved that the Bill be laid on the table, and on this question the yeas and nays being required were as follows:

Those who voted in the affirmative, were Messrs Browne, Hughes and Parker, 3.

Those who voted in the negative, were Messrs Clark, Hepner, Inghram, Keith, Payne, Swazey, Whittlesey and Mr President, 8.

So the motion was lost.

On motion of Mr Clark,

The Bill was referred to a select committee. The President appointed Messrs Clark, Browne, Hepner, Payne, Swazey, Parker, Lewis and Whittlesey said committee.

Mr Payne, from the committee on incorporations, to whom was referred C. F. No. 22, "A Bill to regulate Ferries in certain cases," reported the same back to the Council without amendment, which report was concurred in.



Mr Parker, from the judiciary committee, to whom was referred H. R. file, No. 1, "An Act to provide for the incorporation of Townships," reported the same back to the Council with amendments. The Report was concurred in, and the amendments were read a first time.

On motion of Mr Parker,

The amendments were read a second time, and the Bill as amended was considered in committee of the whole, Mr Hepner in the chair. After spending some time in consideration of said Bill, the committee rose, and, through their chairman, reported the same back to the Council with several amendments, which amendments were concurred in, and

On motion of Mr Parker,

The Bill was recommitted to the committee on the judiciary.

C. F. No. 26, "A Bill to locate a Territorial Road from Fairfield to Wapello, &c." was read a second time, and ordered to be engrossed, and read a third time on to-morrow.

H. R. file, No. 70, "A Bill to authorize Avery Thomas to establish a Ferry across the Mississippi river, &c." was read a second time.

Mr Parker moved to amend by inserting after the words "flat boat" the words "and other necessary boats," which was agreed to.

Mr Inghram moved further to amend by striking out the word "fifteen" and inserting the word "twelve" in the 1st section, which was agreed to, and the Bill as amended was ordered to a third reading on to-morrow.

H. R. file, No. 71, "A memorial for an additional appropriation for a road opposite Burlington, &c." was read a second time, and ordered to a third reading on to-morrow.

On motion of Mr Clark,

The Council adjourned until 2 o'clock, P. M.

## TWO O'CLOCK, P. M.

H. R. file, No. 73, "A bill for the limitation of suits on penal statutes and criminal prosecutions," was read a second time, and

On motion of Mr Parker,

Was referred to the judiciary committee, with instructions to report on to-morrow morning.

H. R. file, No. 75, "A bill for the relief of the sheriff of Jackson county," was read a second time, and ordered to a third reading on to-morrow.

H. R. file, No. 80, "A memorial on the subject of a turnpike road from Burlington, via Mount Pleasant, to Fairfield," was read a second time, and

On motion of Mr Payne,

Was referred to a select committee.

The President appointed Messrs Inghram, Payne and Whittlesey, said committee.

C. F. No. 5, "A bill relative to habeas corpus," was read a third time, and passed, and title agreed to.

H. R. file, No. 61, "A memorial for the relief of settlers upon school sections," was read a third time.

Mr Hughes moved that the memorial be indefinitely postponed, and on this question the yeas and nays being required, were as follows:



Those who voted in the affirmative, were Messrs Hughes, Payne and Whittlesey, 3.

Those who voted in the negative, were Messrs Clark, Hepner, Inghram, Keith, Parker, Swazey, and Mr President, 7.

So the motion was lost.

Mr Hepner moved to refer the memorial to a select committee, and on this question, the yeas and nays being required, were as follows:

Those who voted in the affirmative, were Messrs Clark, Hepner, Inghram, Keith, Parker, Payne, Swazey, Whittlesey and Mr President, 9.

Mr Hughes voted in the negative.

So the motion was agreed to, and the President appointed Messrs Hepner, Clark and Swazey said committee.

Mr Clark gave notice that he would, on to-morrow, or on some future day, introduce an amendment to the 8th standing rule of the Council.

The following message was received from the House of Representatives, by Mr Fales, Chief Clerk:

Mr President: The House of Representatives have passed No. 72, H. R. file, "A memorial to Congress for appropriations for building bridges and making other public improvements on the mail routes in the territory of Iowa."

No. 76, H. R. file, "A bill to amend an act entitled, an act to organize the county of Linn, and establish the seat of justice thereof."

No. 79, H. R. file, "A bill to re-locate the county seat of Clayton county."

No. 78, H. R. file, "A bill to amend an act for assessing and collecting county revenue."

No. 84, H. R. file, "A joint Resolution on the subject of Post Offices, &c."

No. 85, H. R. file, "A bill to incorporate the upper Mississippi Hydraulic Company." In all of which the concurrence of the Council is requested.

Mr Fales then withdrew.

C. F. No. 23, "A bill to provide for the election of Delegate to Congress, &c." was read a third time, and

On motion of Mr. Parker,

Was laid on the table until to-morrow.

C. F. No. 24, "A Bill to authorise Elijah Buel to keep a ferry," was read a third time and passed, and title agreed to.

The President of the Council announced a communication from the Hon. W. W. Chapman, on the subject of arms and munitions of war for this Territory, which was read, and

On motion of Mr. Payne,

Was referred to the committee on Military Affairs.

Mr Parker, from the committee on the Judiciary, to whom was referred C. F. No. 12, "Joint resolution relative to printing the laws, &c. of the present session," reported the same back to the Council with amendments. The report was concurred in, and the amendments were read a first and second time.

On motion of Mr Parker,

The rule prohibiting the 2d and 3d reading of bills, resolutions, &c.



on the same day was suspended, and the resolutions were read a third time and passed.

H. R. file, No. 8, "A Bill providing for the appointment and duties of Auditor of public accounts, &c." having been made the special order of the day, was taken up and read a third time.

Mr Clark moved to recommit the Bill to the judiciary committee, which motion on leave, he withdrew, and

On the question of the passage of the Bill, the yeas and nays being required, were as follows:

Those who voted in the affirmative, were Messrs Clark, Hepner, Parker, Swazey and Whittlesey, 5.

Those who voted in the negative, were Messrs Hughes, Inghram, Keith, Payne and Mr President, 5.

So the Bill did not pass.

Mr Inghram moved to reconsider the vote just given, and on this question the yeas and nays being required were as follows:

Those who voted in the affirmative were Messrs Clark, Hepner, Inghram, Keith, Parker, Swazey, Whittlesey and Mr President, 8.

Those who voted in the negative, were Messrs Hughes and Payne, 2.

So the motion to reconsider was agreed to.

Mr Clark renewed his motion to recommit the Bill to the judiciary committee, on which question the yeas and nays being required were as follows:

Those who voted in the affirmative were Messrs Clark, Hepner, Hughes, Inghram, Keith, Parker, Swazey, Whittlesey and Mr President, 9.

Mr Payne voted in the negative.

So the Bill was recommitted to the judiciary committee.

Mr Parker, on previous notice, and leave granted, introduced "A Bill (C. F. No. 27,) to regulate the admission of Attorneys," which was read a first time, and ordered to be printed.

Mr Inghram, from a select committee to whom was referred H. R. file, No. 80, "A memorial on the subject of a turnpike road from Burlington via Mount Pleasant to Fairfield," reported the same back to the Council with an amendment. The report was concurred in, and the amendment was read a first time.

On motion of Mr Hughes,  
The Council adjourned.



Saturday Morning, Dec. 28, 1839.

The Council met pursuant to adjournment.

Mr Hepner, from a select committee, to whom was referred H. R. file, No. 61, "A memorial for the relief of settlers upon school sections," reported the same back to the Council with one amendment. The report was concurred in, and the amendment was read a first time.

H. R. file, No. 72, "A memorial for appropriations for building bridges and making other public improvements on mail routes, &c." was read a first time.

The following message was received from the House of Representatives, by Mr Fales, Chief Clerk:

Mr President: The House of Representatives have passed No. 77, H. R. file, "A bill to incorporate the Philadelphia mill and manufacturing company."

No. 81, H. R. file, "A memorial for the speedy settlement of the Du Buque land claim."

No. 86, H. R. file, "A bill to enable the citizens of Des Moines county to establish the seat of justice of said county."

No. 91, H. R. file, "A bill supplementary to an act for the relief of the administrators of the estate of the late Benj. W. Clark."

In all of which the concurrence of the council is requested.

I herewith present for your signature, "An act to establish a seminary of learning at Parkhurst, in Scott county."

Which was signed by the President of the Council, and Mr Fales withdrew.

H. R. file, No. 76, "A bill to amend an act entitled an act to organize the county of Linn, &c."

H. R. file, No. 79, "A bill to re-locate the county seat of Clayton county."

H. R. file, No. 84, "A joint resolution on the subject of post offices, &c."

H. R. file, No. 78, "A bill to amend an act for assessing and collecting county revenue," and

H. R. file, No. 85, "A bill to incorporate the upper Mississippi hydraulic company."

Were severally read a first time.

C. F. No. 27, "A bill to regulate the admission of attorneys," was read a second time, and considered in committee of the whole, Mr Inghram in the chair. After some time the committee rose, and, through their chairman, reported progress, and asked to be discharged from a further consideration of the bill, which report was concurred in, and

On motion of Mr Clark,

The bill was referred to a select committee.

The President appointed Messrs Clark, Swazey and Whittlesey said committee.



H. R. file, No. 26, "A bill to amend an act relative to the penitentiary," was taken up, the amendments were read a second time, and the bill, as amended, was considered in committee of the whole, Mr Whittlesey in the Chair. After some time the committee rose, and through their chairman, reported the bill back to the Council with one amendment, which amendment was concurred in.

On motion of Mr Inghram,

The bill was referred to a select committee, viz: Messrs Clark, Hepner and Parker, with instructions to report on Monday next.

No. 80, H. R. file, "A memorial on the subject of a turnpike road from Burlington, *via* Mount Pleasant, to Fairfield," was read a second time, and ordered to a third reading on Monday next.

No. 70, H. R. file, "A bill to authorize Avery Thomas to keep a ferry across the Mississippi river, &c." was read a third time, and passed, and title agreed to.

No. 71, H. R. file, "A memorial for an appropriation for a road on the Mississippi bottom opposite Burlington," was read a third time.

On the question of its passage, the yeas and nays being required, were as follows--(all the members voting in the affirmative) viz: Messrs Browne, Clark, Hepner, Hughes, Inghram, Keith, Parker, Payne, Ralston, Swazey, Whittlesey and Mr President, 12.

So the memorial passed.

H. R. file, No. 75, "A bill for the relief of the sheriff of Jackson county," was read a third time, and passed, and title agreed to.

C. F. No. 22, "A bill to regulate ferries in certain cases," was read a third time, and passed, and title agreed to.

C. F. No. 26, "A bill to establish a territorial road from Fairfield to Wapello," was read a third time.

Mr Payne moved to amend the bill by striking out the name of Andrew Kennedy, and inserting that of David Cowan, which was agreed to by unanimous consent of the Council, and the bill, as amended, passed, and title agreed to.

C. F. No. 23, "A bill to amend the act providing for and regulating general elections, &c." was taken up, and

On motion of Mr Payne,

Was referred to a select committee.

The President appointed Messrs Inghram, Clark and Parker said committee.

On motion of Mr Hughes,

The Council adjourned until 2 o'clock, P. M.

## TWO O'CLOCK, P. M.

The President submitted the following communication from James Clarke, Esq. Secretary of the Territory.

SECRETARY'S OFFICE,  
Burlington, Dec. 28, 1839. }

Hon. S. HEMPSTEAD,

President of the Council,

Sir: A Resolution which was adopted by the Honorable body over



which you preside, on the 18th inst. calling upon the Secretary of the Territory to "inform the Council whether he has or can procure the means to defray the expenses of the present Legislative Assembly, so far as the members and officers are concerned," was handed to me by the clerk on yesterday.

In reply, I beg leave to state, that no drafts have as yet been received by me for the amount appropriated by Congress at its last session, to defray the expenses of the present Legislative Assembly of the Territory of Iowa, nor, indeed have I had any communication with the Treasury Department since the receipt of my commission as Secretary of the Territory. The delay, however, I think can be accounted for. It is understood to be a rule with the Department at Washington never to forward drafts to a disbursing officer until after the receipt of his letter of acceptance; and there is no probability that there has been any departure from this rule in the present instance. Supposing this to be the cause of the failure of funds thus far there is but little probability that any will be received much before the expiration of the time limited by law for the sessions of the Legislature; for although a notification of my acceptance of the appointment was transmitted immediately after the receipt of my commission, the time which intervenes will barely be sufficient to bring me an answer before the adjournment.

In view of the possibility of the non arrival of a draft previous to the adjournment of the Legislature, I have had a conversation with V. P. Van Antwerp, Esq. the Receiver of public moneys at this place, and it affords me pleasure to inform the Council and Legislative Assembly that he entertains every disposition to come to the relief of the Territory so far as he can do so consistently with his duties as an Officer. The Receiver, it is well known, is not authorized to pay out money except upon drafts from the Treasury Department; but inasmuch as the money has been already appropriated specifically, and undoubtedly will soon be received, Mr Van Antwerp has signified his willingness to make an advance upon his own responsibility, provided the Legislative Assembly will adopt resolutions setting forth, in general terms, the exigency of the case, and pledging the faith of the Territory for the payment of such amounts as he may feel warranted in advancing to me, and of the undrawn appropriation for the expenses of the present session. The receiver desires an expression of this kind on the part of the Legislature, in order that in his correspondence with the Treasury Department he may be enabled to show under what circumstances he acted.

Should the action of the Honorable the Legislative Assembly be of such a character as is desired by the receiver, and as will enable him to make the desired advance of funds, it is scarcely necessary for me to say that disbursements will be promptly made to such as are legally entitled to receive payment out of the appropriation referred to.

Respectfully,

Your obedient servant,

( SIGNED )

JAMES CLARKE,

Secretary of the Territory.

On motion of Mr Inghram,

The communication was referred to the committee on expenditures.



No. 77, H. R. file, "A bill to incorporate the Philadelphia mill and manufacturing company."

No. 81, H. R. file, "A memorial for the speedy settlement of the Du Buque land claim."

No. 86, H. R. file, "A bill to enable the citizens of Des Moines county to establish the seat of justice for said county," and

No. 91, H. R. file, "A bill supplementary to an act for the relief of the administrators of the late Benj. W. Clarke,"

Were severally read a first time, and ordered to a second reading.

On motion of Mr Payne,

The Council adjourned until Monday next, at 10 o'clock.

### Monday Morning, Dec. 30, 1839.

The Council met pursuant to adjournment.

Mr Browne presented "A memorial for the construction of a military road from Fort Madison to a contemplated military post on the Des Moines River," which was read, and ordered to be printed.

Mr Payne, from the committee on incorporations, to whom was referred H. R. file, No. 65, "A bill concerning enclosures and trespassing animals," reported the same without amendment, and recommended the indefinite postponement of the bill.

On the question of concurring in the report of the committee, the yeas and nays being required, were as follows:

Those who voted in the affirmative, were Messrs Browne, Hughes, Keith, Parker, Payne, Whittlesey and Mr President, 7.

Those who voted in the negative, were Messrs Clark and Hepner, 2.

So the report was concurred in, and the bill indefinitely postponed.

Mr Clark, from a select committee, to whom was referred No. 26, H. R. file, "A bill relative to the penitentiary," asked further time to report, which was granted.

Mr Hepner, from the committee on expenditures, to whom was referred the communication of the Secretary of the Territory, of the 28th inst. reported "Joint resolutions (C. F. No. 13,) relative to funds to defray the expenses of the present session." The report was concurred in, the resolutions were read a first time, and ordered to be printed.

Mr Whittlesey, from the committee on enrollments, presented the following receipt:

EXECUTIVE DEPARTMENT, }  
December 21, 1839. }

Received of Charles Whittlesey, Esq. member of the Council of the Legislative Assembly, C. F. No. 17, "An act to district the county of



Henry into three county commissioners districts;" C. F. No. 9, "An act to authorize evidence by the oath of parties;" C. F. No. 12, "An act relative to coroners and their duties;" C. F. No. 2, "Memorial on the subject of an appropriation on the Territorial Road from Du Buque to the northern boundary of Missouri;" also, "Resolution relative to memorials and resolutions passed at the last session;" presented for my consideration and approval.

(Signed)

ROBERT LUCAS.

Mr Clark, from a select committee, to whom was referred C. F. No. 27, "A bill regulating the admission of attorneys," reported the same with amendments; the report was concurred in, and the amendments were read a first time.

Mr Hepner, from the joint committee on enrollments, reported that said committee had examined, and find correctly enrolled, C. F. No. 9, "Joint resolutions relative to Seals for the Supreme and District Courts;" C. F. No. 1, "An act relative to landlords and tenants;" also, C. F. No. 16, "An act to make valid in law the acts of John C. Mather, &c."

Mr Parker, from the committee on the judiciary, to whom was referred H. R. file, No. 1, "A bill to provide for the incorporation of townships," and No. 8, H. R. file, "A bill providing for the appointment and duties of Auditor of Public Accounts, &c." reported the same back to the Council with amendments. The report was concurred in, and the amendments were read a first time.

Mr Parker, from the same committee, to whom was referred H. R. file, No. 73, "A bill for the limitation of suits in penal statutes and criminal prosecutions," reported the same without amendment, which report was concurred in.

On motion of Mr Payne,

H. R. file, No. 74, "Resolution relative to compensation to J. G. Edwards," was taken from the table, read a second time, and considered in committee of the whole, Mr Swazey in the chair. After some time, the committee rose, and through their chairman, reported the same back to the Council without amendment, which report was concurred in.

Mr Hepner offered the following amendment,

Strike out all after the word "resolved," and insert "that in addition to the sum of two hundred dollars allowed James G. Edwards for printing five hundred copies of the justices' act, at the last session of the Legislature, he be allowed an additional sum of twenty-five dollars."

On motion of Mr Payne,

The resolution and amendment were laid on the table for the present.

H. R. file, No. 61, "A memorial for the relief of settlers upon school sections," was taken up, the amendments were read a second time, and the memorial, as amended, was ordered to a third reading on to-morrow.

The following message was received from the House of Representatives, by Mr Fales, Chief Clerk:

Mr President: The House of Representatives have passed,

No. 11, C. F. Resolution without a title.

No. 92, H. R. file, "A bill to amend an act to divide the several counties in this territory for the election of county commissioners."



No. 93, H. R. file, "A bill to organize the county of Clinton, and establish the seat of justice thereof."

No. 96, H. R. file, "A resolution to defray the expenses incurred by the joint committee appointed to attend the remains of the Hon. Wm. B. Conway to Davenport."

No. 107, H. R. file, "A bill supplementary to an act to re-locate the seat of justice of Cedar county."

No. 106, H. R. file, "A bill for the relief of the sheriff of Lee county."

In all of which the concurrence of the Council is requested. Mr Fales then withdrew.

H. R. file, No. 72, "A memorial for appropriations for building bridges, &c." was read a second time, and

On motion of Mr Parker,

Was referred to the committee on the judiciary.

H. R. file, No. 6, "A bill to amend an act entitled an act to organize the county of Linn, &c." was read a second time, and ordered to a third reading on to-morrow.

H. R. file, No. 7, "A bill to incorporate the Philadelphia mill and manufacturing company," was read a second time, and considered in committee of the whole. Mr Inghram in the chair. After some time the committee rose, and through their chairman reported the same back to the Council with one amendment, which report was concurred in, and the bill, as amended, was ordered to a third reading on to-morrow.

H. R. file, No. 78, "A bill to amend an act for assessing and collecting county revenue," was read a second time, and

On motion of Mr Parker,

Was referred to the committee on the judiciary.

H. R. file, No. 79, "A bill to re-locate the county seat of Clayton county," was read a second time, and considered in committee of the whole. Mr Browne in the chair. After some time spent in consideration of said bill the committee rose and through their chairman, reported the same back to the Council without amendment, which report was concurred in, and the bill was ordered to a third reading on to-morrow.

H. R. file, No. 81, "A memorial for the speedy settlement of the Du Buque land claim," was read a second time, and ordered to a third reading on to-morrow.

H. R. file, No. 84, "A joint resolution on the subject of post offices, &c." was read a second time.

Mr Payne moved to amend by striking out the words "one at Bratton's Grove, in Van Puren county, and that Jonathan Bratton be appointed post master," which was agreed to.

Mr Parker moved further to amend by striking out the words "line of post coaches," and insert "mail carried," which was agreed to, and the resolution, as amended was ordered to a third reading on to-morrow.

H. R. file, No. 85, "A bill to incorporate the Upper Mississippi hydraulic company," was read a second time.

Mr Parker moved to lay the bill on the table, which on leave, he withdrew.

Mr Payne moved to amend the bill by adding to the second section the words "provided it shall not obstruct the navigation of the Mississippi by dams."



On motion of Mr Hepner,

The bill with the proposed amendment was laid on the table.

H. R. file No. 86, "A bill to enable the citizens of Des Moines county to establish the seat of justice for said county," was read a second time and considered in committee of the whole, Mr Whittlesey in the chair. After some time the committee rose, and through their chairman, reported the bill back to the Council without amendment, which report was concurred in.

On motion of Mr Hepner,

The bill was referred to a select committee composed of the delegation from Des Moines county.

H. R. file, No. 91, "A bill supplementary to an act entitled an act for the relief of the administrators of the estate of the late Benj. W. Clark," was read a second time.

Mr Payne moved to lay the bill on the table, and on this question the yeas and nays being required, were as follows:

Those who voted in the affirmative, were Messrs Browne, Clark, Hughes, Keith, Payne, Ralston, Swazey and Mr President, 8.

Those who voted in the negative, were Messrs Hepner, Inghram, Parker and Whittlesey, 4.

On motion of Mr Hepner,

The Council adjourned until 2 o'clock, P. M.

## TWO O'CLOCK, P. M.

H. R. file, No. 80, "A memorial on the subject of a turnpike road from Burlington via Mount Pleasant to Fairfield," was read a third time and passed.

On motion of Mr Parker,

The Council adjourned.

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## Tuesday Morning, Dec. 31, 1839.

The Council met pursuant to adjournment.

Mr Hepner, from a select committee, to whom was referred H. R. file, No. 86, "A bill to enable the citizens of Des Moines county to establish the seat of justice for said county," reported the same with one amendment; the report was concurred in, and the amendment was read a first time.

Mr Whittlesey, from the committee on enrollments, presented the following receipt from his excellency the governor:



## EXECUTIVE DEPARTMENT,

Dec. 30, 1839.

Received from Mr Whittlesey, member of the Council, C. F. No. 1, "An act relative to landlords and tenants." "An act to make valid in law the acts of John C. Mather, done and performed by him as County Surveyor of the county of Henry and Territory of Iowa," (Council file, No. 16.) "Joint resolution relative to seals, &c." (C. F. No. 9)—filed for consideration and approval.

[ Signed. ]

ROBERT LUCAS.

Mr Inghram, from a Select Committee to whom was referred H. R. file, No. 23, "A bill to provide for the election of delegate to Congress, &c." reported the same with amendments. The report was concurred in, and the amendments were read a first time.

Mr Hepner, from the committee on enrollments, reported that said committee had examined, and found correctly enrolled, C. F. No. 18, "An act to incorporate the Iowa flouring mill and manufacturing company," also, No. 5, "Memorial relative to pre-emption of the commissioners of Henry county, &c." The report was concurred in.

On motion of Mr Clark,

C. F. No. 13, "Joint resolutions relative to funds to defray the expenses of the present session," was taken up and read a second time.

Mr Parker moved to amend by striking out the words "the above requested" and insert "Gen. V. P. Van Antwerp," which was agreed to.

On motion of Mr Clark,

The rule prohibiting the second and third reading of bills, &c. on the same day was suspended, and the resolutions were read a third time and passed.

No 92, H. R. file, "A bill to amend an act entitled an act to district the several counties in this territory for the election of county commissioners."

No. 93, H. R. file, "A bill to organize the county of Clinton, and establish the seat of justice thereof," and

No. 96, H. R. file, "A resolution to defray the expenses incurred by the joint committee appointed to attend the remains of the Hon. W. B. Conway to Davenport,"

Were severally read a first time.

No. 107, H. R. file, "A bill supplementary to an act to re-locate the seat of justice of Cedar county," was read a first time.

Mr Whittlesey moved to reject the bill, and on this question the yeas and nays being required were as follows:

Those who voted in the affirmative, were Messrs Browne, Clark, Hepner, Hughes, Keith, Parker, Ralston, Swazey and Whittlesey, 9.

Those who voted in the negative, were Messrs Inghram and Mr President, 2.

So the bill was rejected.

H. R. file, No. 106, "A bill for the relief of the sheriff of Lee county," was read a first time, and ordered to a second reading.

The following message was received from the House of Representatives, by Mr Fales, Chief Clerk:

Mr President: The House of Representatives have passed No. 82, H.



R. file, "A bill to establish a territorial road from Burlington, *via* Loyd's ford and Fort Madison, to the town of Keokuk."

No. 89, H. R. file, "A Bill to extend the time for locating the several Territorial roads authorized by the last Legislature."

No. 90, H. R. file, "A memorial to Congress for an appropriation to remove obstructions on the rapids of the Mississippi."

No. 98, H. R. file, "A resolution requesting our delegate in Congress to use his exertions to procure additional mail facilities on the route leading from Davenport to Du Buque."

No. 100, H. R. file, "A Bill to provide for the appointment of a Librarian, and for other purposes."

No. 102, H. R. file, "A Bill to encourage the raising of Sheep."

In all of which the concurrence of the Council is requested.

I herewith present for your signature "An Act to relocate the seat of justice in and for the county of Cedar."

"An Act to relocate the seat of justice of the county of Johnson."

"A memorial to the President of the United States in relation to the Sioux half breed reservation on Lake Pepin."

"A memorial for the survey of the harbor of the town of Du Buque."

"A Preamble and Resolutions to the Congress of the United States asking for an appropriation for the improvement of a Territorial road on the Des Moines river."

"A Resolution providing for the appointment of a supervisor to the printing of the laws of the present session."

All of which have been signed by the Speaker of the House of Representatives.

The President of the Council then signed said acts, memorials, &c. and Mr Fales withdrew.

No. 27, C. F. "A Bill to regulate the admission of Attorneys," was taken up, and the amendments were read a second time.

Mr Latham moved to amend by striking out the 3d section, which was agreed to.

Mr Parker moved further to amend by inserting in the 2d section the words "and satisfactory" between the words "thorough examination," which was agreed to, and the Bill as amended was ordered to a third reading on Thursday next.

No. 100, H. R. file, "A bill to provide for the appointment of a Librarian and for other purposes," was read a first and second time.

On motion of Mr Clark,

The Rule prohibiting the second and third readings of Bills, &c on the same day, was suspended, and the bill was read a third time, and passed, and title agreed to.

C. F. No. 7, "A memorial to Congress for an appropriation for a military road from Fort Madison to a contemplated military post on the Des Moines river," was read a second time and ordered to a third reading on Thursday next.

H. R. file No. 1, "A Bill to provide for the incorporation of Townships," was taken up, and the amendments were read a second time.

Mr Parker moved to amend the bill by adding to section 22d the words



"which shall be a full compensation for such services," which was agreed to.

On motion of Mr Inghram,

The Rule prohibiting the second and third reading of Bills, &c. on the same day was suspended, and the bill was read a third time and passed.

Mr Parker moved to amend the title by striking out the word "incorporation," and inserting "organization," which was agreed to, and the title as amended agreed to.

H. R. file, No. 8, "A bill to provide for the appointment and duties of Auditor of Public Accounts, and regulating the duties of Territorial Treasurer," was taken up, and the amendments read a second time.

Mr Parker moved that the rule prohibiting the second and third reading of bills, &c. on the same day, be suspended, and that said bill be read a third time, and

On this question the yeas and nays being required, were as follows:

Those who voted in the affirmative were Messrs Browne, Clark, Hepner, Keith, Parker, Swazey, Whittlesey and Mr President, 8.

Those who voted in the negative were Messrs Hughes and Inghram, 2.

So the motion was agreed to, and the bill was read a third time, and on the question of its passage the yeas and nays being required, were as follows:

Those who voted in the affirmative were Messrs Browne, Clark, Hepner, Keith, Parker, Swazey, Whittlesey and Mr President, 8.

Those who voted in the negative were Messrs Hughes and Inghram, 2.

So the bill passed and title agreed to.

The following message was received from the House of Representatives, by Mr Fales, Chief Clerk:

Mr President: I am instructed to inform the Council that the House of Representatives have passed No. 13, C. F. "Resolution relative to funds to defray the expenses of the present session."

Mr Fales then withdrew.

No. 61, H. R. file, "A memorial for the relief of settlers upon school sections,"

No. 76, H. R. file, "A bill to amend an act entitled an act to organize the county of Linn and establish the seat of justice thereof," and

No. 77, H. R. file, "A bill to incorporate the Philadelphia mill and manufacturing company," were severally read a third time, and passed, and titles agreed to.

No. 79, H. R. file, "A bill to re-locate the county seat of Clayton county," was taken up, and

On motion of Mr Parker,

Was laid on the table, subject to the order of the Council.

No. 73, H. R. file, "A bill for the limitation of suits in penal statutes and criminal prosecutions," was read a third time.

Mr Parker moved to amend the bill by striking out the word "man-stealing" wherever it occurred and inserting the word "kidnapping" which was agreed to by unanimous consent of the Council, and the bill as amended passed and title agreed to.

No 81, H. R. file, "A memorial for the speedy settlement of the Du-Buque land claim," was read a third time and passed.



No. 81, H. R. file, "A Joint Resolution on the subject of Post Offices, &c." was read a third time and passed.

On motion of Mr Browne,  
The Council adjourned until 2 o'clock, P. M.

## TWO O'CLOCK, P. M.

Mr Ralston offered the following :

Whereas, it is the duty of this Legislative Assembly at all times, and under all circumstances to maintain a dignified and honorable course, and

Whereas, the action of a portion of its members as a delegation from this assembly without its authority or sanction is worthy of our severest censure, and whereas it has been published in the public prints of this Territory, as well as those of the State of Missouri, that certain members of this House taking upon themselves the character of delegates and ministers plenipotentiary to a foreign state have proceeded to transact business with such state, representing themselves to be authorized by this assembly so to do, contrary to the known wishes and instructions of this House, therefore,

Resolved, That a committee be appointed to examine into the truth of the above named publications, and that they have power to send for persons and papers, and report the same at as early a period as practicable.

On motion of Mr. Browne,

Said preamble and resolution was referred to a select committee to consist of Messrs Clark, Parker and Lewis.

The following message was received from the House of Representatives :

Mr President : The House of Representatives have passed, No. 97, H. R. file, " A memorial to Congress for an appropriation for a road from Burlington to the mouth of the Iowa."

No. 99, H. R. file, " A bill establishing certain territorial roads therein named."

No. 109, H. R. file, " A bill to provide for an extra session of the Legislative Assembly."

In all of which the concurrence of the Council is requested.

The House have disagreed to the first, and agreed to the second amendment made by the Council to No. 81, H. R. file, " A memorial to Congress on the subject of a turnpike road from the city of Burlington to Fairfield."

I herewith present, for your signature, "An act to incorporate the Bloomington education society."

Which was signed by the President of the Council, and then Mr Fales withdrew.

H. R. file, No. 82, " A bill to establish a Territorial Road from Burlington *via* Loyd's ford and Fort Madison, to the town of Keokuk," was read a first time.

H. R. file, No. 80, " A bill to extend the time for locating the several Territorial roads authorized by the last session of the Legislature," was read a first and second time, and

On motion of Mr. Parker,



Was referred to the committee on the Judiciary.

H. R. file. No. 90, "A memorial to Congress for an appropriation to remove obstructions on the rapids of the Mississippi," and

H. R. file, No. 98, "A Resolution requesting our delegate in Congress to use his exertions to procure additional mail facilities on the route leading from Davenport to Du Buque,"

Were read a first time, and ordered to a second reading.

H. R. file, No. 102, "A Bill to encourage the raising of Sheep," was read a first and second time, and

On motion of Mr Parker,

Was referred to the judiciary committee.

No. 80, H. R. file, "A memorial to Congress on the subject of a turnpike road from Burlington *via* Mount Pleasant to Fairfield," having been returned from the House of Representatives with their disagreement to the amendment made by the Council, and being again under consideration,

On motion of Mr Inghram,

The Council insisted on their amendment.

H. R. file, No. 99, "A Bill establishing certain Territorial Roads therein named," was read a first and second time, and

On motion of Mr Browne,

Was referred to a select committee consisting of one member from each electoral district. The President appointed Messrs Browne, Parker, Whittlesey, Clark, Inghram, Keith, Hughes and Lewis said committee.

H. R. file No. 97, "A memorial to Congress for an appropriation for a road from Burlington to the mouth of the Iowa," was read a first and second time, and

On motion of Mr Browne,

Was referred to the committee on Territorial Affairs.

H. R. file, No. 109, "A Bill to provide for an extra session of the Legislative Assembly," was read a first time.

Mr Whittlesey, from the joint committee on Enrollments, reported that said committee had presented to His Excellency, the Governor for his consideration and approval the following:

H. R. file, No. 32, "An Act to relocate the seat of justice in and for the county of Cedar."

H. R. file, No. 63, "A memorial to Congress on the subject of the harbor of Du Buque."

H. R. file, No. 58, "An act to relocate the seat of justice in and for the county of Johnson."

H. R. file, No. 55, "A memorial in relation to the Sioux half breed reservation on Lake Pepin."

H. R. file. No. 40, "A resolution in relation to the Supervision of the Laws of the present session," and

H. R. file, No. 49, "A preamble and resolution asking for an appropriation to improve a Territorial Road on the Des Moines river."

On motion of Mr Whittlesey,

Ordered, That the committee on Territorial affairs, to whom was referred No. 17. H. R. file. "A memorial to Congress for establishing another Land District in this Territory," be instructed to report on the same on Friday next.



Mr Whittlesey, on previous notice, and leave being granted, introduced "A bill (C. F. No. 28,) for the relief of certain Territorial officers," which was read a first time, and ordered to be printed.

On motion of Mr Clark,

H. R. file, No. 90, "A memorial to Congress for an appropriation to remove obstructions on the rapids of the Mississippi," was taken up, and read a second time.

On motion of Mr Clark,

The rule prohibiting the second and third reading of bills, &c. on the same day, was suspended, and

The memorial was read a third time and passed.

Mr Parker gave notice that he would on Thursday next, move for leave to introduce "A bill to abolish imprisonment for debt."

Mr Clark moved that the Council adjourn.

Mr Inghram moved to amend by adding "until Thursday morning next at 10 o'clock," and on this question the yeas and nays being required were as follows:

Those who voted in the affirmative were Messrs Browne, Inghram, Parker and Ralston, 4.

Those who voted in the negative were Messrs Clark, Hepner, Hughes, Keith, Lewis, Swazey, Whittlesey, and Mr President, 8.

So the amendment was lost, and the question recurred on the original motion which was agreed to, and

The Council adjourned.

### Wednesday Morning, Jan 1, 1840.

The Council met pursuant to adjournment.

Mr Browne moved that the Council adjourn, and on this question the yeas and nays being required, were as follows:

Those who voted in the affirmative, were Messrs Browne, Lewis and Mr President, 3.

Those who voted in the negative, were Messrs Clark, Hepner, Hughes, Inghram, Keith, and Swazey, 6.

So the motion was lost.

Mr Clark, from a select committee, to whom was referred a preamble and resolution relative to certain publications in the newspapers, respectfully report that said committee are of opinion, that no necessity exists for any action of the Council upon this subject, and they therefore recommend that the Preamble and Resolution be laid upon the table, and that they be discharged from a further consideration of the subject.

On motion of Mr Hughes,

The report was laid on the table subject to the order of the Council.



C. F. No. 28, "A Bill for the relief of certain Territorial officers," was read a second time and ordered to a third reading on to-morrow.

C. F. No. 23, "A Bill to provide for the election of Delegate to Congress, &c," was taken up, the amendments read a second time, the Bill as amended referred to a committee of the whole, and made the special order of the day for to-morrow.

H. R. file, No. 86, "A Bill to enable the citizens of Des Moines county to establish the seat of justice for said county," was taken up, the amendments read a second time, and the Bill as amended was ordered to a third reading on to-morrow.

H. R. file, No. 82, "A Bill to establish a Territorial road from Burlington *via* Loyd's ford and Fort Madison to the town of Keokuk," was read a second time, and,

On motion of Mr Hepner,

Was referred to a select committee.

The President appointed Messrs Hepner, Browne and Lewis, said committee.

H. R. file, No. 92, "A bill to amend an act entitled an act to district the several counties in this Territory for the election of county commissioners was read a second time, referred to a committee of the whole and made the special order of the day for to-morrow.

Mr Whittlesey, from the joint committee on enrollments, presented the following receipt from his Excellency the Governor:

*Executive Department, Iowa Territory, }  
December 31, 1839.*

Received of C. Whittlesey, Esqr. member of the Council, the following bills and memorials, viz: "An act to incorporate the Iowa flouring mill and manufacturing company," and a memorial relative to the location by commissioners of Henry county.

[ Signed. ]

ROBERT LUCAS.

On motion of Mr Lewis,  
The Council adjourned.

Thursday Morning, Jan. 2, 1840.

The Council met pursuant to adjournment.

Mr Whittlesey, from the joint committee on enrollments, reported the following:



EXECUTIVE DEPARTMENT, I. T. }

January 1, 1840. }

Received from Mr Whittlesey, member of the Legislative Council, No. 13, C. F. "Resolutions relative to the pay of officers, members, &c." filed for consideration and approval.

(Signed)

ROBERT LUCAS.

H. R. file, No. 93, "A bill to organize the county of Clinton, and establish the seat of justice thereof," was read a second time, and referred to a committee of the whole, and made the special order of the day for Monday next.

H. R. file, No. 96, "Resolution to defray the expenses incurred by the joint committee appointed to attend the remains of the Hon. W. B. Conway, to Davenport," was read a second time, and ordered to a third reading on to-morrow.

H. R. file, No. 98, "A resolution requesting our delegate in Congress to use his exertions to procure additional mail facilities on the route leading from Davenport to Du Buque," was read a second time, and ordered to a third reading on Saturday next.

H. R. file, No. 106, "A bill for the relief of the sheriff of Lee county," was read a second time, and

On motion of Mr Hepner,

Was referred to the committee on the judiciary.

H. R. file, No. 109, "A bill providing for an extra session of the Legislative Assembly," was read a second time, and

On motion of Mr Clark,

Was laid on the table.

On motion of Mr Clark,

H. R. file, No. 74, "A resolution relative to compensation to James G. Edwards," with the amendment pending to the same, was taken from the table.

Mr Hepner, on leave, withdrew the amendment, and the resolution was read a second time.

On motion of Mr Clark,

The rule prohibiting the second and third reading of bills, &c. on the same day was suspended, and the resolution was read a third time, and passed.

H. R. file, No. 29, "A bill to encourage the destruction of wolves," was read a third time, and passed, and title agreed to.

H. R. file, No. 86, "A bill to enable the citizens of Des Moines county to establish a seat of justice for said county," was read a third time, and passed, and title agreed to.

C. F. No. 23, "A bill to amend the act providing for the election of delegate to Congress, &c." being the special order of the day, was taken up and considered in committee of the whole, Mr. Lewis in the chair. After some time spent in consideration of said bill, the committee rose, and, through their chairman, reported the same back to the Council with one amendment.

Mr Hughes moved a call of the Council, which was had, and upon cal-



ling the names of the members, it was found that Messrs. Browne and Ralston were absent. The Sergeant-at-Arms was despatched for them.

Mr Browne having arrived.

On motion of Mr Hughes,

The further call of the Council was suspended.

Mr Hughes moved that the Council do not concur in the report of the committee, which motion on leave he withdrew.

On the question of concurring in the report of the committee, the yeas and nays being required, were as follows:

Those who voted in the affirmative, were Messrs Clark, Hepner, Lewis, Payne, Swazey, and Whittlesey, 6.

Those who voted in the negative were, Messrs Browne, Hughes, Inghram, Keith, Parker and Mr President, 6.

So the report was not concurred in, and the bill was ordered to a third reading on to-morrow.

The following message was received from the House of Representatives, by Mr Fales, Chief Clerk:

Mr President:—

The House of Representatives have passed with an amendment, No. 12, C. F. Resolutions relative to the printing of the laws, &c. of the present session.

The House have agreed to all the amendments made by the Council to No. 1, H. R. file, "A bill to provide for the organization of townships," except that made to the 16th section, and the two first amendments to the 19th section, to which the House have disagreed.

The House have agreed to all the amendments made by the Council to No. 8, H. R. file, "A Bill providing for the appointment and duties of Auditor of Public Accounts, &c." except the first amendment to the first section, to which the House have disagreed. The House have disagreed to the amendment made by the Council to No. 61, H. R. file, "A memorial for the relief of settlers upon School Sections," and have passed with amendments No. 26, C. F. "A Bill to locate and establish a Territorial road from Fairfield to Wapello, &c."

The House have passed No. 104, H. R. file, "A Bill for opening and regulating Roads and Highways."

In which the concurrence of the Council is requested. Mr Fales then withdrew.

On motion of Mr Lewis,

The Council adjourned until 2 o'clock, P. M.

## TWO O'CLOCK, P. M.

On motion of Mr Payne,

The Preamble and Resolution relative to certain publications in regard to the adjustment of difficulties with the State of Missouri, with the Report of the select committee was taken from the table, and the report of the committee was concurred in.

On motion of Mr Hughes,

The Preamble and Resolution was taken up.

Mr Hughes moved that said Preamble and Resolution be stricken from



the Journal, and on this question the yeas and nays being required were as follows: (Messrs Payne and Ralston at their own request were excused from voting.)

Those who voted in the affirmative were Messrs Hepner, Hughes, Inghram, Keith, Lewis, Parker and Swazey, 7.

Those who voted in the negative, were Messrs Browne and Mr President, 2.

So the question was decided in the affirmative, and the said Preamble and Resolution was ordered to be stricken from the Journal.

The following message was received from the House of Representatives, by Mr Fales, Chief Clerk.

Mr President: The House of Representatives insist upon their disagreement to the amendment made by the Council to No. 80, H. R. file, "A memorial to Congress on the subject of a turnpike road from Burlington to Fairfield," and ask a conference on the same. Messrs Leffler and Hawkins have been appointed a committee on the part of the House. The House have passed,

No. 22, C. F. "A Bill to regulate Ferries in certain cases."

No. 24, C. F. "A Bill to authorize Elijah Buel to keep a Ferry."

No. 105, H. R. file, "A Bill to authorize the arrest and detention of fugitives from justice from other States and Territories of the United States."

No. 110, H. R. file, "A Bill for the relief of Carriers."

No. 115, H. R. file, "A memorial to Congress for an appropriation for carrying the extra mail from Davenport to Du Buque in the winter of 1838-9."

In all of which the concurrence of the Council is requested. Mr Fales then withdrew.

H. R. file, No. 92, "A Bill to amend an act entitled An act to district the several counties in this Territory for the election of County Commissioners," being the special order of the day, was taken up, and considered in committee of the whole, Mr Hepner in the chair. After some time, the committee rose and through their chairman, reported said bill back to the Council without amendment. The report was concurred in, and the bill was ordered to a third reading on to-morrow.

C. F. No. 28, "A bill for the relief of certain Territorial Officers," was read a third time and passed.

Mr Parker moved to amend the title by striking out the word "Territorial" and adding after the word "Officers" the words "in the Territory," which was agreed to, and the title as amended was agreed to.

C. F. No. 12, "Resolution relative to printing the laws of the present session," having been returned from the House of Representatives, with amendments, was taken up, and,

On motion of Mr Parker,

The Council concurred in said amendments.

H. R. file, No. 1, "A bill to provide for the organization of townships," having been returned from the House of Representatives with their disagreement to the amendments made by the Council to sections 16 and 19, was again under consideration,

On motion of Mr Parker,



The Council receded from their amendment to the 16th section, and insisted on their amendments to the 19th section.

H. R. file, No. 8. "A bill providing for the appointment and duties of Auditor of Public Accounts, &c." with their disagreement to the first amendment made by the Council to the first section, being again under consideration,

On motion of Mr Hepner,

The Council insisted on said amendment.

H. R. file, No 61. "A memorial for the relief of settlers upon school sections," having been returned from the House of Representatives with their disagreement to the amendment of the Council, and being again under consideration,

On motion of Mr Clark,

The Council insisted on their amendment.

No. 80, H. R. file, "A memorial to Congress on the subject of a turnpike road from Burlington, via Mount Pleasant, to Fairfield," having been returned from the House of Representatives with their disagreement to the amendments of the Council insisted on, and being again under consideration,

On motion of Mr Hughes,

Messrs Inghram and Payne were appointed a committee of conference, to act with a similar committee on the part of the House, in relation to said disagreement.

H. R. file, No. 104, "A bill for opening and regulating roads and highways."

H. R. file, No. 105, "A bill to authorize the arrest and detention of fugitives from justice from other states and territories of the United States."

H. R. file, No. 110, "A bill for the relief of carriers," and

H. R. file, No. 115, "A memorial to Congress for an appropriation for carrying the extra mail from Davenport to Du Buque, in the winter of 1838-9,"

Were severally read a first time, and ordered to a second reading.

On motion of Mr Clark,

H. R. file, No. 69, "A joint resolution requesting our delegate in Congress to urge the passage of a law for a post road," was taken from the table, read a second time, and,

On motion of Mr Clark,

Was referred to a select committee.

The President appointed Messrs Clark, Parker and Hughes said committee.

The President of the Council announced a communication from his Excellency the Governor.

On motion of Mr Lewis,

The Council went into an executive session for the consideration of the nominations made in said communication.

After some time, the Council resumed their regular session, and,

On motion of Mr Lewis,

The Council adjourned.



Friday Morning, Jan. 3, 1840.

The Council met pursuant to adjournment.

Mr Whittlesey, from the joint committee on enrollments, reported that they have examined and find correctly enrolled C. F. No. 11, "A resolution instructing our delegate to Congress to apply for an additional appropriation to defray the expenses of the present Legislative Assembly of Iowa Territory," and also that said committee, on the 30th ult. presented to the Governor, for his approval and signature, H. R. file, "An act to establish a seminary of learning at Parkhurst, in Scott county," and on the 31st ult. H. R. file, "An act to incorporate the Bloomington Education Society."

Mr Lewis, from the committee on territorial affairs, to whom was referred H. R. file, No. 17, "A memorial to Congress for establishing another land district in this territory," reported the same back to the Council without amendment. The report was concurred in.

Mr Clark, from a select committee, to whom was referred joint resolution (H. R. file, No. 69) requesting our delegate in Congress to urge the passage of a law for a post road, reported the same with an amendment. The report was concurred in, and the amendment was read a first time.

Mr Payne gave notice that on to-morrow, or some future day, he would move for leave to introduce "A bill for a charter for Adam Ritchie to build a dam across Crooked creek, on the west half of section 6, township 73 north, range 5 west."

Mr Payne gave notice that he would on to-morrow, or on some future day, move for leave to introduce "A bill to apportion the next Legislative Assembly," and asked that a select committee be appointed, consisting of one from each electoral district, to prepare said bill. The request was granted, and the President appointed Messrs Payne, Browne, Lewis, Parker, Clark, Whittlesey, Inghram and Swazey said committee.

On motion of Mr Swazey, it was

Resolved, that his Excellency Governor Lucas be requested to transmit to this House a copy of his correspondence with the War Department on the subject of public arms and munitions of war for the use of the militia of this territory.

C. F. No. 26, "A bill to locate and establish a territorial road from Fairfield to Wapello, &c." having been returned from the House of Representatives, with three amendments, and being again under consideration,

On motion of Mr Hughes,

The Council disagreed to the first amendment.

On motion of Mr Clark,

The Council concurred in the second amendment.

On motion of Mr Hughes,

The Council concurred in the third amendment.

H. R. file, No. 104, "A bill opening and regulating roads and high-



ways," was read a second time, and considered in committee of the whole, Mr Parker in the Chair. After some time, the committee rose, and through their chairman, reported progress, and asked to be discharged from a further consideration of the bill. The report was concurred in, and

On motion of Mr Whittlesey,

Said bill was referred to the committee on roads.

On motion of Mr Inghram,

Messrs Clark and Whittlesey were added to the committee on roads.

H. R. file, No. 105, "A bill to authorize the arrest and detention of fugitives from justice from other states and territories of the United States," was read a second time, and

On motion of Mr Whittlesey,

Was referred to the committee on the judiciary.

H. R. file, No. 110, "A bill for the relief of carriers," was read a second time, and

On motion of Mr Payne,

Was referred to the committee on the judiciary.

H. R. file, No. 115, "A memorial to Congress for an appropriation for carrying the extra mail from Davenport to Du Buque, in the winter of 1838-9," was read a second time, and

On motion of Mr Parker,

Was referred to the judiciary committee.

H. R. file, No. 92, "A bill to amend an act to district several counties in this territory for the election of county commissioners," was read a third time, and

On motion of Mr Whittlesey,

Was laid on the table.

H. R. file, No. 96, "A resolution to defray the expenses incurred by the joint committee appointed to attend the remains of the Hon. Wm. B. Conway to Davenport," was read a third time.

Mr Whittlesey moved to amend the resolution by striking out the word "thirty-five" and inserting "fifty," which was agreed to by unanimous consent of the Council, and the resolution, as amended, passed.

H. R. file, No. 17, "A memorial on the subject of an additional Land District in the Territory of Iowa," was taken up.

Mr Parker moved to strike out in the clause relative to boundary all after the words "Land District," and insert before the word "Land" the word "New," which was agreed to.

Mr Whittlesey moved to amend further by striking out in 26th line of last paragraph the words, "Your memorialists would recommend the location of the Land Office in the proposed Land District," and insert the words "the office for which shall be located" and that the two last paragraphs as amended be read in connection, which was agreed to, and the bill as amended was ordered to a third reading on to-morrow.

On motion of Mr Whittlesey,

H. R. file, No. 35, "A bill to provide for the execution of title deeds to lots in the city of Iowa, and for other purposes," was taken from the table, and,

On motion of Mr Parker,



Was recommitted to the committee on Territorial Affairs, with instructions to provide in said bill that the Governor shall sign the title deeds, and that the seal of the Territory shall be impressed thereon, and also with instructions to said committee to report said bill back to the Council on to-morrow.

On motion of Mr Hepner,  
The Council adjourned until 2 o'clock, P. M.

## TWO O'CLOCK, P. M.

The President of the Council called Mr Browne to the Chair for the purpose of laying before the Council a Preamble and Resolution relative to a certain publication in the "Iowa News."

On motion of Mr Inghram,

Said Preamble and Resolution was referred to a select committee to consist of one member from each electoral district. The chair appointed Messrs Inghram, Clark, Hughes, Lewis, Parker, Swazey, Browne, and Whittlesey said committee.

On motion of Mr Inghram,

The President resumed the chair.

The following message was received from the House of Representatives, by Mr Fales, Chief Clerk:

Mr President: The House of Representatives have passed Bills of the House, to wit:

No. 63, "A Bill to incorporate the Bloomington Insurance Company."

No. 103, "A Bill defining the duties of Supervisors of Roads and Highways."

No. 111, "A Bill to amend an act entitled 'An act providing for and regulating general elections.'"

No. 114, "A Bill to alter the manner of electing the County Commissioners of Des Moines County."

No. 116, "A Bill to establish a system of Common Schools."

No. 117, "A Preamble and Resolution for the benefit of former Sheriffs."

No. 119, "A Bill to incorporate the Tuscarora Steam Mill Company, and

No. 123, "A Bill for the benefit of the Sheriff of Des Moines county."

In all of which the concurrence of the Council is requested. Mr Fales then withdrew.

On motion of Mr Whittlesey,

H. R. file, No. 91, "A Bill supplementary to an act entitled An act for the relief of the administrators of the estate of the late Benj. W. Clarke," was taken from the table, and referred to the committee on the judiciary.

C. F. No. 23, "A Bill to provide for the election of Delegate to Congress, &c." was read a third time.

Mr Hepner moved that the Bill be referred to a select committee, and on this question the yeas and nays being required, were as follows:

Those who voted in the affirmative, were Messrs Hepner, Lewis, Payne, Ralston, Swazey and Whittlesey, 6.

Those who voted in the negative, were Messrs Browne, Clark, Hughes, Inghram, Keith, Parker and Mr President, 7.



So the motion to refer was lost.

Mr Clark, moved to recommit the Bill to the committee on Territorial Affairs, and on this question the yeas and nays being required, were as follows:

Those who voted in the affirmative, were Messrs Clark, Hepner, Lewis, Payne, Ralston, Swazey and Whittlesey, 7.

Those who voted in the negative, were Messrs Browne, Hughes, Inghram, Keith, Parker and Mr President, 6.

So the motion to recommit was agreed to.

C. F. No. 7, "A memorial for an appropriation for the construction of a military road from Fort Madison to a contemplated military post on the Des Moines river," was read a third time and passed.

C. F. No. 27, "A Bill to regulate the admission of Attorneys," was read a third time, and passed, and title agreed to.

Mr Lewis, from the committee on Territorial Affairs, made a report in relation to C. F. No. 23, which report on leave he withdrew.

Mr Clark moved that Mr Payne be added to the committee on Territorial affairs, and on this question the yeas and nays being required, were as follows:

Those who voted in the affirmative, were Messrs Clark, Hepner, Lewis, Ralston, Swazey and Whittlesey, 6.

Those who voted in the negative, were Messrs Browne, Hughes, Inghram, Keith, Parker and Mr President, 6.

So the motion was lost.

Mr Parker moved that the Council adjourn, and on this question the yeas and nays being required, were as follows:

Those who voted in the affirmative, were Messrs Browne, Hughes, Inghram, Keith, Parker and Mr President, 6.

Those who voted in the negative, were Messrs Clark, Hepner, Lewis, Payne, Ralston, Swazey and Whittlesey, 7.

So the motion to adjourn was lost.

Mr Lewis moved that Mr Clark be added to the committee on Territorial Affairs, and on this question the yeas and nays being required, were as follows:

Those who voted in the affirmative, were Messrs Clark, Hepner, Lewis, Payne, Ralston, Swazey and Mr Whittlesey, 7.

Those who voted in the negative, were Messrs Browne, Hughes, Inghram, Keith, Parker and Mr President, 6.

So the motion was agreed to, and Mr Clark was added to the committee on Territorial Affairs.

Mr Hughes moved that Mr Parker be added to the committee on Territorial Affairs, and on this question the yeas and nays being required, were as follows:

Those who voted in the affirmative, were Messrs Hughes, Inghram, Keith and Mr President, 4.

Those who voted in the negative, were Messrs Browne, Clark, Hepner, Lewis, Payne, Ralston, Swazey and Whittlesey, 8.

So the motion was lost.

Mr Hepner moved that the Council adjourn, and on this question the yeas and nays being required, were as follows:



Those who voted in the affirmative, were Messrs Browne, Clark, Hepner, Hughes, Inghram, Keith, Lewis, Parker, Payne, Ralston, Swazey and Whittlesey, 12.

Mr President voted in the negative.

So the Council adjourned.

### Saturday Morning, Jan. 4, 1840.

The Council met pursuant to adjournment.

Mr Payne presented a petition from citizens of Henry County, in regard to the admission of Iowa into the Union, which was read, and

On motion of Mr Payne,

Was referred to the committee on Territorial Affairs.

Mr Payne also presented a petition from citizens of Henry County, in relation to a certain road, which was read, and

On motion of Mr Payne,

Was referred to the committee on Roads.

Mr Clark, from a select committee, to whom was referred No. 26, H. R. file, "A Bill to amend an act relative to the Penitentiary," reported the same back to the Council with amendments. The Report was concurred in, and the amendments were read a first and second time, and the Bill with the amendments,

On motion of Mr Clark,

Was laid on the table until Monday next.

On motion of Mr Hughes,

The motion of Mr Payne respecting a petition in relation to a certain road, was reconsidered, and the petition was referred to the select committee on roads composed of one member from each electoral district.

Mr Parker presented the petition of citizens of Muscatine and Johnson Counties, in relation to a certain road, which was read and referred to the same committee.

Mr Whittlesey presented the petition of citizens of Cedar county, in relation to a certain road, which was read, and also referred to the same committee.

Mr Lewis, from a select committee, to whom was referred H. R. file, No. 35, "A Bill to provide for the execution of title deeds to lots in Iowa city, and for other purposes," reported the same back with amendments. The report was concurred in, the amendments were read a first time, and ordered to a second reading on Tuesday next.

Mr Lewis, from the committee on Territorial Affairs, to whom was referred C. F. No. 23, "A Bill to provide for the election of Delegate to Congress, &c." reported the same back to the Council with one amend-



ment, viz: to strike out in the 4th section after the word "years" the words "six years inclusive."

On the question of concurring in the amendment, the yeas and nays being required, were as follows:

Those who voted in the affirmative, were Messrs Clark, Hepner, Lewis, Payne, Ralston, Swazey and Whittlesey, 7.

Those who voted in the negative, were Messrs Hughes, Inghram, Keith, Parker and Mr President, 5.

So the amendment was concurred in, and read a first and second time, and

On motion of Mr Parker,

The rule prohibiting the second and third reading of bills, &c. on the same day was suspended, and the bill, as amended, was read a third time, and passed, and title agreed to.

Mr Payne, from the committee to whom was referred C. F. No. 25, requested further time to be allowed said committee to report, which was granted.

Mr Parker, from the judiciary committee, to whom was referred H. R. file, No. 105, "A bill to authorize the arrest and detention of fugitives from justice from other states, &c." reported the same back to the Council without amendment. The report was concurred in, and the bill was read a third time, and passed, and title agreed to.

On motion of Mr Inghram,

Resolved, That the standing committee on roads be instructed to enquire into the expediency of appointing commissioners to review so much of the territorial road leading from Burlington, by Trenton, York's and Lee's, to the Indian boundary line as it runs through Des Moines county, and that they report on Monday next.

On motion of Mr Hepner,

Resolved, That the select committee, to whom was referred a memorial to Congress, asking for an additional appropriation for the benefit of the territorial road leading from Farmington to Du Buque, be instructed to report thereon on Monday next.

Mr Lewis asked leave of absence for Mr Browne until Tuesday next, which was granted.

No. 66, H. R. file, "A bill to incorporate the Bloomington insurance company," was read a first time.

H. R. file, No. 103, "A bill defining the duties of supervisors of roads and highways," was read a first and second time, and

On motion of Mr Lewis,

Was referred to the committee on roads.

H. R. file, No. 111, "A bill to amend an act entitled an act providing for and regulating general elections," was read a first time.

Mr Hughes moved to reject the bill, and on this question, the yeas and nays being required, were as follows:

Those who voted in the affirmative were Messrs Clark, Hughes, Parker, Payne and Whittlesey, 5.

Those who voted in the negative, were Messrs Hepner, Inghram, Keith, Lewis, Ralston, Swazey and Mr President, 7.



So the motion to reject was lost, and the bill was read a second time, and,

On motion of Mr Inghram.

Was referred to the committee on elections.

No 114, H. R. file, "A bill to alter the manner of electing the commissioners of Des Moines county," was read a first and second time.

Mr Inghram moved to refer the bill to the committee on elections, which motion, on leave, he withdrew.

Mr Clark moved that the bill be indefinitely postponed, which was agreed to.

H. R. file, No. 116, "A bill to establish a system of common schools," was read a first time.

Mr Payne, on previous notice and leave being granted, introduced "a bill (C. F. No. 29) to authorize Adam Ritchie to erect a dam across Crooked Creek, &c." which was read a first time and ordered to be printed.

On motion of Mr Whittlesey.

The Council adjourned until 2 o'clock, P. M.

## TWO O'CLOCK, P. M.

Mr Hughes offered the following:

Resolved, That James G. Edwards be employed to print copies of the Journals of the Council of the present session. And that he be allowed the same prices as have been heretofore allowed printers to Congress for similar work.

Resolved, That the Secretary of the Council be instructed to superintend the printing, indexing, &c. of the Journal of the Council of the present session, and that he be allowed the sum of two hundred dollars for the same, which the Secretary of the Territory is authorised to pay out of the appropriation to defray the expenses of the Legislative Assembly of the Territory of Iowa, session 1839-40.

On motion of Mr Clark,

The blank in the first resolution was filled with "one hundred and fifty."

On motion of Mr Parker,

The resolutions were laid on the table until Monday next.

Mr Hepner offered the following:

Resolved, That a committee of two be appointed to confer with the Marshal of the Territory, for the purpose of ascertaining when he can or will make returns of the census of this territory, provided he is indemnified for any extra expenses that may be incurred. Which,

On motion of Mr Whittlesey,

Was laid on the table.

No 117, H. R. file, "Preamble and Resolution for the benefit of former sheriffs."

No. 119, H. R. file, "A bill to incorporate the Tuscarora Steam-mill Company."

No. 123, H. R. file, "A bill for the benefit of the Sheriff of Des Moines County."



Were severally read a first time.

No. 69, H. R. file, "A joint resolution requesting our delegate in Congress to urge the passage of a law for a post road."

Mr Parker moved to amend by striking out the words "to Iowa city," and insert the word "to" before "Moscow," which was agreed to, and the bill, as amended, was ordered to a third reading on Monday next.

The following message was received from the House of Representatives, by Mr Fales, Chief Clerk:

Mr. President: The House of Representatives have passed bills of the House, to wit:

No. 112, A bill to incorporate the town of Salem, in Henry county,

No. 118, A bill to further encourage the improvement of the breed of horses,

No. 120, A memorial to Congress for an appropriation to improve roads from Iowa city to Prairie du Chien, and from Du Buque to the county seat of Delaware county,

No. 121, A memorial to Congress for the improvement of the mail road from Davenport to Burlington,

In all of which the concurrence of the Council is requested.

The House insist on their disagreement to the amendment made by the Council, to

No. 61, H. R. file, "A memorial for the relief of settlers upon school sections," and request a conference on the same.

Messrs Churchman, Hall and Owen have been appointed a committee on the part of the House.

The House have disagreed to the amendments made by the Council, to

No. 86, H. R. file, A bill to enable the citizens of Des Moines county to establish the seat of justice for said county.

I herewith present for your signature, An act to authorize Avery Thomas to keep a ferry across the Mississippi river opposite Cordova, Illinois,

An act to provide for the appointment of a librarian, and for other purposes,

An act regulating marriages,

An act regulating grocery license,

An act for the relief of the sheriff of Jackson county,

An act to regulate conveyances,

An act to provide for the support of illegitimate children.

The President submitted a communication from the Executive, containing the correspondence between the executive and the War Department at Washington, which were severally read, and

On motion of Mr Swazey,

Was referred to the committee on military affairs.

No. 17, H. R. file, "Memorial to Congress for establishing another Land District," in this Territory, and

No. 98, H. R. file, "A Resolution requesting our Delegate in Congress to use his exertions to procure additional mail facilities on the route leading from Davenport to Du Buque," were severally read a third time and passed, and titles agreed to.



On motion of Mr Parker,  
No. 109, H. R. file, "A Bill to provide for an extra session of the Legislative Assembly," was taken from the table, and

On motion of Mr Parker,  
The bill was amended by adding a new section thereto.

On motion of Mr Inghram,  
The rule prohibiting the second and third reading of Bills, &c. on the same day was suspended, and the Bill as amended was read a third time and passed, and title agreed to.

On motion of Mr Inghram,  
No. 86, H. R. file, "A Bill to enable the citizens of Des Moines county to establish the seat of justice for said county," the same having been returned from the House of Representatives with their disagreement to the amendment of the Council, was taken up.

On motion of Mr Hepner,  
The Council receded from their amendment.

On motion of Mr Clark,  
No. 61, H. R. file, "A memorial for the relief of settlers upon school sections," the same having been returned from the House of Representatives, requesting a committee of conference, was taken up.

Mr Clark moved that a committee of conference be appointed on the part of the Council, to act with a similar committee appointed on the part of the House of Representatives, which was agreed to, and

The President appointed Messrs Clark, Hepner and Hughes said committee.

Mr Parker, on leave, introduced No. 30, C. F. "A bill relative to the authentication of statutes without the approval of the Governor, &c.

On motion of Mr Whittlesey,  
The Council adjourned until Monday morning next, at 10 o'clock.

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### Monday Morning, Jan. 6, 1840.

The Council met pursuant to adjournment.

Mr Hepner presented the petition of Webber & Remey, which was read, and

On motion of Mr Whittlesey,

Was referred to the Committee on Expenditures.

Mr Whittlesey presented the petition of citizens of Johnson and Muscatine in relation to a road, which was read, and referred to the select committee on roads.

Mr Parker, from the judiciary committee, to whom was referred C. F. No. 6, and H. R. file, No. 72, reported a substitute (C. F. No. 6,) for



the two, in which the substance of both were embraced. The report was concurred in, and the memorial was read a first time.

A communication from his excellency the governor was announced, by Mr Williams his private secretary, in relation to certain nominations.

On motion of Mr Parker, it was

Ordered, that said communication be taken up for consideration on to-morrow.

Mr Inghram, from a select committee, to whom was referred a preamble and resolution in relation to a certain publication in the "Iowa News," reported the following (the President of the Council having called Mr Parker to the chair.)

Whereas, it is stated in a public newspaper, entitled the "Iowa News," published in this territory, on Saturday, the 14th day of December, 1839, that the President of this body, in his remarks upon a memorial for the lake Michigan and Mississippi rail road, made use of the following language, to wit: "He gave his further reasons for opposing it, that he was legislating for the benefit of the whole territory, and not for Du Buque county alone, and as Du Buque county and town were the only parts to be benefited he must vote against it." And whereas, no such language or argument was made use of in the discussion of said memorial by any member of this body; therefore

Resolved, That the statement above alluded to in the "Iowa News," is wholly incorrect, and untrue.

The report of the committee was adopted, and on the question of the passage of the preamble and resolution, the yeas and nays being required, were as follows, every member present voting in the affirmative, viz: Messrs. Clark, Hepner, Hughes, Inghram, Keith, Lewis, Parker, Swazey and Whittlesey, 9.

So the preamble and resolution passed, and the President then resumed the chair.

Mr Hepner, from the joint committee on enrollments, reported that said committee, on the 3d inst. presented to the Governor for his consideration and approval "An act to authorize Avery Thomas to keep a Ferry across the Mississippi river opposite Cordova, Ill." "An act for the relief of the Sheriff of Jackson County," "An act regulating Grocery License," "An act regulating Marriages," "An act to regulate Conveyances," "An act to provide for the support of Illegitimate Children," and "An act for the appointment of a Librarian and for other purposes."

Mr Lewis, from the committee on Territorial Affairs, to whom was referred the Petition of a number of citizens of Henry county, relative to forming a State Constitution, reported that they had the same under consideration, and that they deem it inexpedient to grant the prayer of the petitioners, they therefore ask to be discharged from a further consideration of the subject.

The report was concurred in.

Mr Parker, from a select committee, to whom was referred H. R. file, No. 99, "A Bill establishing certain Territorial roads therein named," reported the same back to the Council with amendments. The report was concurred in, the amendments were read a first and second time, and the Bill as amended was considered in committee of the whole, Mr Lewis in



the chair. After some time spent in consideration of said Bill, the committee rose, and, through their Chairman, reported the same back to the Council with sundry additional amendments.

The Report was concurred in, and the Council adopted all the amendments, with the exception of that for the third section, to which they disagreed.

On motion of Mr Whittlesey,

The Bill was further amended by adding the following to section — “and that the seat of justice of Cedar county shall be a point in lieu of Rochester in section third of said act,” and by striking out the words “to Iowa City in Johnson county.”

On motion of Mr Clark,

The rule prohibiting the second and third reading of Bills, &c. on the same day was suspended, and the bill as amended was read a third time and passed, and title agreed to.

Mr Parker, from the committee on the judiciary, to whom was referred H. R. file, No. 89, “A Bill to extend the time for locating the several Territorial roads authorized by the last session of the Legislature,” reported the same back to the Council, and asked that it be laid on the table subject to the order of the Council, which report was concurred in.

Mr Parker from the same committee to whom was referred H. R. file No. 110, “A bill for the relief of carriers,” reported the same back to the Council with one amendment. The report was concurred in, and the amendment was read a first and second time.

On motion of Mr Parker,

The rule prohibiting the second and third reading of bills, &c. was suspended, and the bill as amended was read a third time, and passed.

Mr Parker moved to amend the title by prefixing the word “certain” to “carriers” which was agreed to, and the title as amended was agreed to.

Mr Whittlesey presented a Joint Resolution (C. F. No. 14) relative to having the census taken, &c.” which was read and ordered to be printed.

H. R. file, No. 112, “A bill to incorporate the town of Salem in Henry county,” was taken up, being on its first reading, and previous to its being gone through with,

On motion of Mr Whittlesey,

The Council adjourned until 2 o'clock, P. M.

## TWO O'CLOCK, P. M.

H. R. file, No. 112, “A bill to incorporate the town of Salem, in Henry county,” being resumed, was read a first and second time, and

On motion of Mr Payne,

Was referred to the committee on the judiciary.

H. R. file, No. 118, “A bill to further encourage the improvement of the breed of horses,” was read a first time.

Mr Payne moved that the bill be rejected, which was agreed to.

H. R. file, No. 120, “A memorial to Congress for an appropriation to improve roads from Iowa city to Prairie du Chien, and from Du Buque to the county seat of Delaware county,” was read a first time.



H. R. file, No. 121, "A memorial to Congress for the improvement of the mail road from Davenport to Burlington," was read a first time, and

On motion of Mr Parker,  
Was laid on the table.

The following message was received from the House of Representatives, by Mr Fales, Chief Clerk :

Mr President: The House of Representatives have passed bills of the House, as follows:

No. 124, A bill to punish trespass on school and other lands,

No. 125, A bill to amend "An act to incorporate the Iowa mutual fire insurance company,"

No. 126, A resolution providing for the payment of the rent of the building occupied by the Legislative Assembly,

No. 127, A bill to make valid in law the deed of Si-si-sa-man, a minor, to John H. Knapp, deceased,

No. 128, A bill for the relief of certain officers of the county of Scott.

The House have passed, with amendments, No. 4, C. F. A bill to prevent frauds,

In which the concurrence of the Council is requested.

The House have receded from their first amendment to No. 26, C. F. A bill to locate and establish a territorial road from Fairfield to Wapello, &c.

I herewith present, for your signature, A memorial to Congress for an appropriation for a road opposite Burlington in the Mississippi bottom,

Which was then signed by the President of the Council, and Mr Fales withdrew.

C. F. No. 29, "A bill to authorize Adam Ritchie to erect a dam across Crooked creek, in Henry county," was read a second time, and ordered to be engrossed, and read a third time on to-morrow.

H. R. file, No. 66, "A bill to incorporate the Bloomington Insurance company," was read a second time, and ordered to a third reading on to-morrow.

H. R. file, No. 116, "A bill to establish a system of Common Schools," was read a second time, and

On motion of Mr Payne,

Was referred to the committee on schools.

H. R. file, No. 117, "Preamble and resolution for the benefit of former sheriffs," was read a second time.

Mr Payne moved to amend, by striking out the name of "William B. Slaughter," which was not agreed to.

On motion of Mr Clark,

The rule prohibiting the second and third reading, on the same day, of bills, &c. was suspended, and the preamble and resolution was read a third time, and passed.

H. R. file, No. 119, "A bill to incorporate the Tuscarora steam mill company," was read a second time, and ordered to a third reading on to-morrow.

H. R. file, No. 123, "A bill for the relief of the Sheriff of Des Moines county," was read a second time, and

On motion of Mr Inghram,



Was referred to the committee on expenditures.

H. R. file, No. 93, "A bill to organize the county of Clinton, and to establish the seat of justice thereof," being the special order of the day, was taken up, and considered in committee of the whole, Mr Inghram in the chair. After some time the committee rose, and, through their chairman, reported said bill back to the Council with several amendments.

The Report was concurred in, and the amendments were read a first and second time.

On motion of Mr Parker,

The rule prohibiting the second and third reading of bills, &c. on the same day was suspended, and the bill was read a third time and passed, and title agreed to.

Resolutions relative to the printing of one hundred and fifty copies of the Journal, and of employing the Secretary of the Council to superintend the same, being the special order of the day, was taken up.

On the adoption of the first Resolution, the yeas and nays being required were as follows :

Those who voted in the affirmative, were Messrs Clark, Hepner, Hughes, Inghram, Keith, Lewis, Parker, Swazey, Whittlesey and Mr President, 10.

Mr Payne voted in the negative.

So the resolution was adopted.

The question was then taken on the adoption of the second Resolution, which was also agreed to.

Mr Whittlesey, on previous notice, and leave being granted, introduced "A Bill (C. F. No. 31,) amendatory to an act for assessing and collecting county revenue," which was read a first time, and ordered to be printed.

Mr Hughes, on previous notice, and leave granted, introduced "A Bill (C. F. No. 32,) appointing commissioners to review a Territorial Road from Burlington to the Indian boundary line," which was read a first time, and ordered to be printed.

Mr Payne, from the select committee to whom was referred No. 25, C. F. "A bill for the benefit of Des Moines county," reported that said committee had the same under consideration, and that they found the claim that the county of Des Moines has against Lee, Van Buren, Henry, Washington, Louisa and Muscatine counties, originated under a law passed at the session of the Legislative Assembly held at Bellmont in Wisconsin, in the year 1836-7, which was to remain in force one year, and at a subsequent session of the same, held at Burlington in 1837-8, again revised the Act, and as said committee have under those acts enquired of the several clerks of the different Counties what the assessment value of property was in 1836, and have received under the seals of the clerks, information that there was no assessment in the year 1836, and said committee is utterly unable to get any data from which to act, and as it is now a matter that properly comes before the several boards of County Commissioners of the different Counties, and as the County Commissioners of Des Moines county have not made any effort to collect the same, nor have they shown to said committee any necessity for further Legislation on the subject, therefore said committee recommend the indefinite postponement of said bill.



Mr Hepner moved that the Report be laid on the table, which motion on leave he withdrew, and

On motion of Mr Hepner,

Said Bill and Report was made the order of the day for Friday next.

Mr Whittlesey, from a select committee, to whom was referred No. 41, H. R. file, "A memorial for the postponement of the Land Sales in the Burlington District," reported the same back to the Council with amendments. The Report was concurred in, and the amendments were read a first time.

H. R. file, No. 69, "A joint resolution requesting our Delegate in Congress to urge the passage of a law for a post road," was read a third time and passed.

Mr Parker, from the committee on the judiciary, to whom was referred "An act providing for the appointment of Justices of the Peace, &c. approved January, 21, 1839," introduced "A Bill (Council file, No. 33,) amendatory thereof," which was read a first time and ordered to be printed.

On motion of Mr Clark,

The Council adjourned.

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## Tuesday Morning, Jan. 7, 1840.

The Council met pursuant to adjournment.

Mr Hepner, from the committee on expenditures, to whom was referred H. R. file, No. 123, "A bill for the benefit of the sheriff of Des Moines county," reported the same back to the Council with one amendment. The report was concurred in, and the amendment was read a first and second time.

On motion of Mr Hepner,

The rule prohibiting the second and third reading of bills, &c. on the same day was suspended, and the bill was read a third time and passed, and title agreed to.

Mr Keith, from a select committee, to whom was referred H. R. file, No. 56, "A bill for the relief of Van Buren county," reported the same back to the Council, with amendments. The report was concurred in, and the amendments were read a first and second time, and considered in committee of the whole, Mr Inghram in the chair. After some time the committee rose, and through their Chairman, reported said bill back to the Council, with one amendment. The report was concurred in.

Mr Inghram moved further to amend, by striking out the word "the" in the second line of the bill, and insert the word "lawful," which was agreed to, and the amendments were read a first and second time.

Mr Clark moved that the rule prohibiting the second and third reading of bills, &c. on the same day, be suspended, which was agreed to, and



the bill as amended was read a third time, and passed, and title agreed to.

Mr Whittlesey, from the joint committee on enrollments, reported that said committee had examined, and found correctly enrolled, Council Files, No. 12, No. 22 and No. 24.

H. R. file, No. 124, "A bill to punish trespass on school and other lands," was read a first time.

H. R. file, No. 125, "A bill to amend an act to incorporate the Iowa mutual fire insurance company," was read a first and second time, and

On motion of Mr Whittlesey,

The rule prohibiting the second and third reading of bills, &c. on the same day was suspended, and the bill was read a third time, and passed, and title agreed to.

H. R. file, No. 126, "Resolution providing for the payment of the rent of the building occupied by the Legislative Assembly," was read a first time.

H. R. file, No. 127, "A bill to make valid in law the deed of Si-si-sa-man, a minor, to John H. Knapp, deceased," was read a first and second time.

On motion of Mr Whittlesey,

The rule prohibiting the second and third reading of bills, &c. on the same day was suspended, and the bill was read a third time.

On the question of the passage of the bill, the yeas and nays being required, were as follows :

Those who voted in the affirmative, were Messrs Browne, Clark, Keith, Parker, Ralston, Swazey, Whittlesey, and Mr President, 8.

Those who voted in the negative, were Messrs Hughes, Inghram, and Lewis, 3.

So the bill passed, and the title was agreed to.

H. R. file, No. 128, "A bill for the relief of certain officers of the county of Scott," was read a first time.

Mr Parker moved that the bill be indefinitely postponed, and on this question the yeas and nays being required, were as follows :

Those who voted in the affirmative, were Messrs Browne, Clark, Hughes, Inghram, Keith, Lewis, Parker, Ralston, Swazey, and Mr President, 10.

Mr Whittlesey voted in the negative.

So the bill was indefinitely postponed.

Mr Whittlesey presented a "Joint Resolution, (C. F. No. 15,) relative to requesting the Secretary of War to appoint as Resident Engineer, a citizen of this Territory," which was read a first time and ordered to be printed.

C. F. No. 4, "A bill to prevent frauds," being under consideration as amended by the House of Representatives,

On motion of Mr Parker,

The amendments were referred to the committee on the Judiciary.

C. F. No. 6, "A memorial to Congress for appropriations to be expended in building bridges, and improving roads on the mail routes in this Territory," was read a second time.

On motion of Mr Parker,

The memorial was amended by adding thereto the following:



"Resolved, That the Governor forward a copy of this memorial to our delegate in Congress."

Mr Parker moved further to amend by striking out the words "the ten thousand dollars appropriated by Congress in 1837, and ten thousand dollars additional," and insert "twenty thousand dollars" which was agreed to.

The following message was received from the House of Representatives, by Mr Fales, Chief Clerk:

Mr President: The House of Representatives have concurred in the amendment made by the Council to

No. 109, H. R. file, "A bill to provide for an extra session of the Legislative Assembly," by amending the same, in which the concurrence of the Council is requested.

I herewith present for your signature,

"A memorial for the speedy settlement of the Du Buque Land Claim."

"A memorial to Congress for an appropriation to remove obstructions on the Rapids of the Mississippi."

"A Resolution relative to compensation to J. G. Edwards, for printing in pamphlet form the act prescribing the duties of Justices of the Peace."

"An act to amend an act entitled an act to organize the county of Linn, and establish the seat of Justice thereof."

"An act providing for the appointment and duties of Auditor of public accounts, and regulating the duties of Territorial Treasurer."

"An act to encourage the destruction of wolves."

"An act to incorporate the Philadelphia mill and manufacturing company."

"An act for the limitations of suits on penal statutes and criminal prosecutions."

Which acts, memorials, &c. were then signed by the President of the Council, and Mr Fales withdrew.

On motion of Mr Parker,

The Council adjourned until 2 o'clock, P. M.

## TWO O'CLOCK, P. M.

The consideration of C. F. No. 6, "A memorial to Congress for appropriations to be expended in building bridges, and improving roads on the mail routes in this territory," being resumed,

On motion of Mr Inghram,

Was ordered to a third reading on Thursday next.

H. R. file, No. 41, "A memorial to the President of the United States for the postponement of the land sales in the Burlington land district," was read a second time.

On motion of Mr Clark,

The rule prohibiting the second and third reading of bills, &c. on the same day, was suspended, and the memorial was read a third time, and passed.

C. F. No. 30, "A bill relative to the authentication of statutes, without the approval of the Governor, and for other purposes," was read a second time, and ordered to be engrossed and read a third time on to-morrow.



On motion of Mr Inghram,

The Council went into an executive session for the purpose of taking into consideration the nominations contained in the communication from the Governor of yesterday.

After some time the Council resumed their regular session.

On motion of Mr Hepner,

Ordered, That fifty copies of the Executive Journal of last session be printed for the use of the Council.

Mr Payne moved that the Council adjourn, and on this question the yeas and nays being required, were as follows:

Those who voted in the affirmative were Messrs Hughes, Inghram, Keith, Payne and Swazey, 5.

Those who voted in the negative, were Messrs Browne, Clark, Hepner, Lewis, Parker, Whittlesey and Mr President, 7.

So the motion to adjourn was lost.

C. F. No. 31, "A bill amendatory to an act for assessing and collecting county revenue, &c." was read a second time, and considered in committee of the whole, Mr Browne in the chair. After some time, the committee rose, and through their chairman, reported said bill back to the Council without amendment, which report was concurred in.

Mr Hughes moved a call of the Council, which was had, and upon calling the names of the members, it was found Messrs Lewis, Parker, Payne and Ralston were absent. They were sent for, after which,

On motion of Mr Hughes,

The further call of the Council was dispensed with, and

C. F. No. 31, was ordered to a third reading on to-morrow.

On motion of Mr Parker,

The Council adjourned.

Wednesday Morning, Jan. 8, 1840.

The Council met pursuant to adjournment.

Mr Clark offered the following:

Ordered, That so much of the 33d standing rule of the Council, as prohibits the publication of the Executive Journal be rescinded, and that the proceedings of the Council when acting in their Executive capacity for the present session be published in pamphlet form until otherwise ordered by the Council.

On the adoption of which the yeas and nays being required were as follows: all the members present voted in the affirmative, viz:

Messrs Browne, Clark, Hepner, Hughes, Inghram, Keith, Lewis, Parker, Payne, Swazey, Whittlesey and Mr President, 12.



So the Resolution was agreed to.

Mr Payne presented the petition of citizens of Henry county relative to a road, which

On motion of Mr Payne,

Was referred to a select committee composed of the members of Henry and Louisa counties.

Mr Parker, from the judiciary committee, to whom was referred H. R. file, No. 112, "A bill to incorporate the town of Salem in Henry county," reported the same back to the Council with one amendment. The Report was concurred in, and the amendment was read a first and second time.

On motion of Mr Payne,

The rule prohibiting the second and third reading of Bills, &c. on the same day, was suspended, and the Bill as amended was read a third time, and passed, and title agreed to.

Mr Parker, from the judiciary committee, to whom was referred C. F. No. 6, "A Bill respecting Seals," and H. R. file, No. 44, "A Bill to repeal a part of the 86th section of an act entitled "an act relative to proceedings in Chancery," reported a substitute for the two, viz: C. F. No. 34, "A Bill to repeal the acts therein mentioned," and asked to have the said two Bills laid on the table. The Report was concurred in, and the bill was read a first time, and ordered to be printed.

Mr Hepner, from the committee on expenditures, to whom was referred the petition of Webber and Remey, reported "A preamble and joint resolution (C. F. No. 16,) relative to compensation to Webber and Remey," which was read a first time, and ordered to be printed.

Mr Whittlesey, from the joint committee on enrollments, presented the following :

EXECUTIVE DEPARTMENT, }  
January 8, 1840. }

Received from C. Whittlesey, Esqr. member of the Council "an act to regulate Ferries in certain cases," (C. F. No. 22,) "An act to authorize Elijah Buel to keep a Ferry," (C. F. No. 24.) Resolutions relative to printing the Laws, &c. of the present session," (C. F. No. 12,) "Resolution," (C. F. No. 11,) presented for my consideration and approval.

[ Signed. ]

ROBERT LUCAS.

Mr Hepner, from a select committee, to whom was referred H. R. file, No. 82, "A bill to establish a Territorial road from Burlington *via* Loyd's ford and Fort Madison to the town of Keokuk," reported the same without amendment. The Report was concurred in.

On motion of Mr Inghram,

The bill was amended by striking out the name of Wm. Morgan and inserting that of Geo. Gearhart, and the bill as amended was ordered to a third reading on to-morrow.

Mr Parker gave notice that he would on to-morrow move for leave to introduce a "Bill relative to evidence."

The following message was received from the House of Representatives, by Mr Fales, Chief Clerk :



Mr. President: The House of Representatives have adopted the following resolution:

Resolved, (the Council concurring herein) That the two Houses will meet in the Hall of the House of Representatives at the hour of 3 o'clock, P. M. on Saturday next, when by joint ballot they will proceed to the election of a Director of the Penitentiary to fill the vacancy occasioned by the expiration of the term of office of John Claypole.

I herewith return the following acts and resolution, which have been signed by the Speaker of the House of Representatives, viz.

An act to regulate ferries in certain cases.

An act to authorize Elijah Buel to keep a Ferry.

A resolution relative to printing the laws of the present session.

Mr Fales then withdrew.

Mr Whittlesey, from the Judiciary committee, to whom was referred H. R. file, No. 91, "A bill supplementary to an act entitled an act for the relief of the Administrators of the estate of the late B. W. Clarke," and "A petition from W. A. Richardson, reported them back to the Council, with "A bill (C. F. No. 35) for the relief of certain administrators," embracing provisions for both of the foregoing, and recommending that H. R. file, No. 91, be laid on the table.

The report was concurred in, and the bill was read a first time and ordered to be printed.

H. R. file, No. 35, "A bill to provide for the execution of title deeds to lots in Iowa City, and for other purposes," was taken from the table and the amendments were read a second time.

Mr Inghram moved to lay the bill on the table, which motion, on leave he withdrew.

Mr Hughes moved that the bill be indefinitely postponed, which motion, on leave he also withdrew, and

On the question of its being ordered to a third reading, the yeas and nays being required, were as follows:

Those who voted in the affirmative were, Messrs Browne, Clark, Hepner, Inghram, Keith, Lewis, Parker, Whittlesey and Mr President, 9.

Those who voted in the negative were Messrs Hughes, Payne and Swazey, 3.

So the question was carried and the bill was ordered to a third reading on to-morrow.

H. R. file, No. 109, "A bill to provide for an extra session of the Legislative Assembly," having been returned from the House of Representatives with an amendment made to the amendment of the Council, and being again under consideration,

On motion of Mr Lewis,

The Council concurred in said amendment.

C. F. No. 28, "A bill for the relief of certain officers in the Territory," being under consideration as returned from the House of Representatives with amendments, said amendments were read a first time, and ordered to a second reading.

C. F. No. 14, "Joint Resolution relative to having the census taken,"



was read a second time, and ordered to be engrossed and read a third time on to-morrow.

The following message was received from the House of Representatives, by Mr Fales, Chief Clerk:

Mr President: The House of Representatives have passed, with amendments, No. 28, C. F. A bill for the relief of certain officers in the Territory. I herewith present for your signature,

An act to enable the citizens of Des Moines county to establish the seat of justice for said county.

An act to authorize the arrest and detention of fugitives from justice from other States and Territories of the United States.

An act to amend an act to incorporate the Iowa Mutual Fire Insurance Company.

An act to make valid in law the deed of Si-si-sa-man, a minor, to John H. Knapp deceased.

A resolution on the subject of Post Offices.

A resolution to defray the expenses incurred by the joint committee appointed to attend the remains of the Hon. William B. Conway, to Davenport.

A memorial on the subject of an additional Land District in the Territory of Iowa.

Preamble and resolution for the benefit of the former Sheriffs. All of which have been signed by the Speaker of the House of Representatives.

Which said acts, memorials, &c. were then severally signed by the President of the Council, and then Mr Fales withdrew.

On motion of Mr Lewis,

The Council adjourned until 2 o'clock, P. M.

## TWO O'CLOCK, P. M.

Mr Whittlesey presented joint resolutions (C. F. No. 17,) relative to requesting the Delegate to Congress to endeavor to have a law passed, authorizing the election of governor of this territory by the people," which was read and ordered to be printed.

C. F. No. 15, "Joint resolution relative to having a resident engineer appointed, &c." was read a second time.

Mr Whittlesey moved that the rule prohibiting the second and third reading of bills, &c. on the same day be suspended, which was agreed to, and the resolution was read a third time.

On the question of its passage, the yeas and nays being required, were as follows:

Those who voted in the affirmative, were Messrs Browne, Clark, Hepner, Hughes, Inghram, Parker, Whittlesey, and Mr President, 8.

Those who voted in the negative, were Messrs Keith, Lewis, Payne, and Swazey, 4.

So the resolution passed.

C. F. No. 32, "A bill to appoint commissioners to review a territorial road," was read a second time, and

On motion of Mr Lewis,

Was referred to the committee on roads.



C. F. No. 33, "A bill to amend the act providing for the appointment of justices of the peace, &c." was read a second time, and considered in committee of the whole, Mr Lewis in the Chair. After some time spent in consideration of said bill, the committee rose, and through their chairman, reported the same back to the Council with amendments, which amendments were concurred in, and the bill as amended was ordered to be engrossed and read a third time on to-morrow.

The following message was received from the House of Representatives, by Mr Fales, Chief Clerk:

Mr President:—The House of Representatives have agreed to all the amendments made by the Council to

No. 99, H. R. file, A bill establishing certain territorial roads therein named, except the striking out of the 7th and 19th sections, and the amendments made to the 22d section, which relates to the fees of the commissioners, to which the House have disagreed.

The House have amended the amendment of the Council to the 3d and 21st sections of said bill.

The House have agreed to all the amendments made by the Council to Nos. 56, 69, 110, 123, H. R. file.

The House have also agreed to all the amendments to No. 93, H. R. file, "A bill to organize the county of Clinton, and establish the seat of justice thereof," except that made to the 5th section, to which the House have disagreed.

The House have passed with amendments, No. 5, C. F. A bill relative to habeas corpus. Also, bills of the House, as follows:

No. 101, A bill to amend an act for assessing and collecting county revenue,

No. 130, A bill to establish a seminary of learning at or near Antwerp, in Cedar county.

In all of which the concurrence of the Council is requested. Mr Fales then withdrew.

On motion of Mr Hepner,  
The Council adjourned.

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### Thursday Morning, Jan. 9, 1840.

The Council met pursuant to adjournment.

Mr Hughes, from the Committee on Roads to whom was referred H. R. file, No. 103, "A bill defining the duties of supervisors of roads and highways," reported the same back to the Council without amendment. The report was concurred in, and the bill was ordered to a third reading on Monday next.

Mr Hughes, from the same committee. to whom was referred C. F.



No. 32, "A bill appointing commissioners to review a Territorial road," reported the same back to the Council with amendments. The report was concurred in, and the amendments were read a first and second time.

Mr Inghram moved to amend by striking out the word "all" in the 6th line of the 4th section and insert the word "any" which was agreed to, and the bill as amended was ordered to be engrossed and read a third time on to-morrow.

Mr Clark, from the committee of conference appointed on the part of the Council to confer with a similar committee on the part of the House, in relation to the disagreeing votes of the two Houses on Memorials No. 5, 12, and 14, H. R. file, reported that they had met the committee of the House in conference, and had agreed to recede from the amendments of the Council to said memorials. The report was concurred in.

C. F. No. 5, "A bill relative to habeas corpus," having been returned from the House of Representatives with amendments, and being under consideration,

On motion of Mr Parker,

The amendments were referred to the Judiciary committee.

H. R. file, No. 99, "A bill establishing certain Territorial Roads therein named," having been returned from the House of Representatives with amendments to the amendments of the Council to Sections 3d and 21st, and with their disagreement to the amendments made by the Council to the 7th, 19th, and 22d, sections, and being under consideration,

On motion of Mr Whittlesey,

The Council concurred in the first amendment to the amendment of the Council.

On motion of Mr Clark,

The Council concurred in the second amendment to the amendment of the Council.

On motion of Mr Lewis,

The Council receded from their amendment to the bill by striking out the 7th section.

On motion of Mr Parker,

The Council insisted on their amendment to the 19th section, and

On motion of Mr Clark,

The Council insisted on their amendment to the 22d section.

On motion of Mr Clark,

A committee of conference was appointed to act with a similar committee on the part of the House of Representatives, in relation to said bill.

The President appointed Messrs Clark and Hepner said committee.

H. R. file, No. 101, "An act to amend an act for assessing and collecting county revenue," was read a first time.

H. R. file, No. 93, "A bill to organize the county of Clinton, and establish the seat of Justice thereof," being under consideration as returned from the House of Representatives with their disagreement to the amendment made by the Council to the 5th section,

On motion of Mr Parker,

The Council receded from said amendment.



H. R. file, No. 130, "A bill to establish a seminary of learning at or near Antwerp in Cedar county," was read a first time.

The President announced a communication from his Excellency the Governor containing certain nominations, the consideration of which was made the order of the day for to-morrow.

Mr Clark, from the committee of conference appointed to confer with a similar committee on the part of the House of Representatives in relation to the disagreement between the two Houses, on the amendment of the Council to No. 61, H. R. file, "A memorial for the relief of settlers upon school sections," reported that they had an interview with the committee of the House and that they were unable to agree in relation to said amendment, they therefore recommend that the Council adhere to its amendment to said memorial. The report was concurred in.

H. R. file, No. 120, "A memorial to Congress for an appropriation to improve roads from Iowa city to Prairie Du Chien, and from Du Buque to the county seat of Delaware county," was read a second time.

On motion of Mr Lewis,

The rule prohibiting the second and third reading of Bills, &c. on the same day was suspended, and the memorial was read a third time, and passed.

H. R. file, No. 124, "A Bill to punish trespass on School and other lands," was read a second time, and considered in committee of the whole, Mr Hepner in the chair. After some time the committee rose and through heir chairman reported the same back to the Council with one amendment. The report was concurred in, and the bill as amended was ordered to a third reading on to-morrow.

C. F. No. 28, "A bill for the relief of certain officers in the Territory," was taken up, the amendments of the House were read a second and third time, and

On motion of Mr Whittlesey,

The Council concurred in said amendments.

H. R. file, No. 126, "Resolution providing for the payment of the rent of the building occupied by the Legislative Assembly," was read a second time.

Mr Hepner moved to amend by striking out the word "six" and inserting "eight," and on this question the yeas and nays being required were as follows:

Those who voted in the affirmative, were Messrs Clark, Hepner, Inghram and Payne, 4.

Those who voted in the negative, were Messrs Browne, Hughes, Keith, Lewis, Parker, Swazey, Whittlesey and Mr President, 8.

So the motion to amend was lost.

On motion of Mr Inghram,

The rule prohibiting the second and third reading of Bills, &c. on the same day was suspended, and the resolution was read a third time, and passed.

C. F. No. 6, "A memorial to Congress for appropriations to be expended in building bridges and improving roads on the mail routes in this Territory," was read a third time, and passed.

C. F. No. 29, "A bill to authorize Adam Ritchie to erect a dam across



Crooked creek in Henry county," was read a third time, and passed, and title agreed to.

C. F. No. 30, "A bill relative to the authentication of Statutes without the approval of the Governor, and for other purposes," was read a third time.

Mr Parker moved to amend by filling the blank with the word "twenty-five" which was agreed to by unanimous consent of the Council, and the bill as amended passed, and title agreed to.

C. F. No. 31, "A bill amendatory to 'an act for assessing and collecting county revenue, &c.'" was read a third time, and passed, and title agreed to.

Mr Payne, from a select committee, to whom was referred a petition from the citizens of Henry county in relation to a road, reported "A bill (C. F. No. 36,) for the location of a Territorial road from Mount Pleasant to the county seat of Washington county," which was read, and ordered to be printed.

C. F. No. 33, "A bill to amend the act providing for the appointment of Justices of the Peace, &c." was read a third time, and passed, and title agreed to.

C. F. No. 14, "Resolution relative to taking the Census," was read a third time, and passed.

H. R. file, No. 26, "A bill to amend an act relative to the Penitentiary," was read a third time, and

On motion of Mr Browne,

Was laid on the table, and made the order of the day for Monday next.

H. R. file, No. 35, "A bill to provide for the execution of title deeds to lots in Iowa city, and for other purposes," was read a third time.

On motion of Mr Payne,

The Council adjourned until 2 o'clock, P. M.

## TWO O'CLOCK, P. M.

The consideration of H. R. file, No. 35, "A bill to provide for the execution of title deeds to lots in Iowa city, &c." was again resumed.

On motion of Mr Swazey,

The 5th section of said bill was referred to a select committee, to consist of one member from each electoral district, with instructions to report on to-morrow.

The chair appointed Messrs Swazey, Browne, Clark, Hepner, Parker, Hughes, Lewis and Whittlesey said committee.

On motion of Mr Whittlesey,

The whole bill was referred to the same committee.

Mr Hughes offered a Resolution relative to the adjournment *sine die* of the Council, which,

On motion of Mr Hepner,

Was laid on the table.

H. R. file, 119, "A bill to incorporate the Tuscarora Steam Mill Company," was read a third time and passed, and title agreed to.

H. R. file, No. 82, "A bill to establish a Territorial Road from Bur-



lington *via* Loyd's ford and Fort Madison to Keokuk, was read a third time and passed, and title agreed to.

H. R. file, No. 66, "A bill to incorporate the Bloomington Insurance Company," was read a third time, and passed, and title agreed to.

On motion of Mr Clark,

C. F. No. 15, "A bill for the relief of the Poor," was taken from the table, and referred to the committee on the judiciary.

Mr Parker, on previous notice, and leave being granted, introduced "A bill (C.F. No. 37,) relative to evidence," which was read, and ordered to be printed.

On motion of Mr Whittlesey,

H. R. file, No. 16, "Joint Resolution relative to printing the laws, &c. of the present session," was taken from the table, read a second time, and considered in committee of the whole, Mr. Whittlesey in the chair. After spending some time, the committee rose, and through their chairman, reported said resolution back to the Council with one amendment, viz: striking out all after the word Resolved.

On the question of concurring in said amendment, the yeas and nays being required, were as follows:

Those who voted in the affirmative, were Messrs Clark, Hepner, Hughes, Keith, Lewis, Payne, Swazey, Whittlesey and Mr President, 9.

Those who voted in the negative, were Messrs Browne, Inghram and Parker, 3.

So the amendment was concurred in.

On motion of Mr Parker,

The word "resolved" was referred to the committee on the judiciary.

The following message was received from the House of Representatives, by Mr Fales, Chief Clerk:

Mr President: The House of Representatives have passed C. F. No. 27, "A bill to regulate the admission of Attorneys."

I herewith present for your signature "An act to provide for the organization of Townships,"

"A resolution requesting our Delegate in Congress to use his exertions to procure additional mail facilities on the route leading from Davenport to Du Buque," and

"An act to locate and establish a Territorial road from Fairfield to Wapello," the same having been signed by the Speaker of the House of Representatives.

Said acts, &c. were then signed by the President of the Council, and Mr Fales withdrew.

On motion of Mr Lewis.

The Council adjourned.



Friday Morning, Jan. 10, 1840.

The Council met pursuant to adjournment.

On motion of Mr Lewis,

Resolved, That no new bills shall be introduced in the Council after Monday next.

Mr Parker, from the committee on the Judiciary, to whom was referred the amendments made by the House of Representatives to C. F. No. 5, "A bill relative to Habeas Corpus," reported that they recommend the concurrence of the Council to all the amendments made by the House, with the exception of that to the 6th section. The report was concurred in, and

On motion of Mr Lewis,

The Council also concurred in the amendment of the House to the 6th section.

Mr Clark, from the committee of conference, appointed by the Council to confer with a similar committee of the House of Representatives, in relation to the disagreement between the two Houses on the amendments of the Council to the 19th and 22d sections of "A bill (No. 99, H. R. file) establishing certain Territorial Roads therein named," reported that they had an interview with the committee on the part of the House and that said committee have agreed to recede from their disagreeing vote to said amendments. The report was concurred in.

Mr Payne presented a resolution relative to the distribution of the Journal of the present session, which,

On motion of Mr Clark,

Was referred to the committee on Territorial Affairs.

Mr Swazey, from the select committee to whom was referred H. R. file. No. 35, "A bill to provide for the execution of title deeds to lots in Iowa City, &c." reported the same with an amendment to the 5th section, viz. striking out "eighteen hundred" and inserting "twelve hundred and fifty."

Mr Parker moved to amend the amendment by inserting "fifteen hundred," and on this question the yeas and nays being required were as follows:

Those who voted in the affirmative, were Messrs Clark, Hepner, Lewis, Parker, and Mr President, 5.

Those who voted in the negative, were Messrs Browne, Hughes, Inghram, Keith, Payne, Swazey and Whittlesey, 7.

So the amendment to the amendment was lost.

The question then recurred on the amendment made by the select committee, on the adoption of which the yeas and nays being required, were as follows:

Those who voted in the affirmative, were Messrs Browne, Hughes, Inghram, Keith, Payne, Swazey and Whittlesey, 7.



Those who voted in the negative, were Messrs Clark, Hepner, Lewis, Parker and Mr President, 5.

So the amendment of the select committee was agreed to.

Said amendment was then read a second time.

Mr Whittlesey moved further to amend by striking out the words "of the Territory not otherwise appropriated," and inserting "from the sale of lots in Iowa City," which was agreed to.

Mr Parker moved further to amend the bill by striking out in the 5th section, the word "three" and inserting "five," on which question the yeas and nays being required, were as follows:

Those who voted in the affirmative, were Messrs Browne, Clark, Hepner, Hughes, Inghram, Keith, Lewis, Parker, Swazey, Whittlesey and Mr President, 11.

Mr Payne voted in the negative.

So the amendment was adopted, and,

On motion of Mr Inghram,

The rule prohibiting the 2d and 3d reading of bills, &c. on the same day was suspended, and the bill as amended was read a third time.

On the question of the passage of the bill, the yeas and nays being required, were as follows:

Those who voted in the affirmative, were Messrs Browne, Clark, Hepner, Hughes, Inghram, Keith, Lewis, Parker, Swazey, Whittlesey and Mr. President, 11

Mr Payne voted in the negative.

So the bill passed and the title was agreed to.

Mr Lewis offered the following:

Whereas by a resolution passed the Council at the last session, the Secretary of the Territory was required to pay the Hon. Jesse B. Browne an extra allowance of three dollars per day, for his services as president of the Council, and whereas the said sum of three dollars per day still remains unpaid, therefore

Resolved, That the present Secretary of the Territory be required to pay the Hon J. B. Browne, the sum of three dollars per day for his extra services as President of the Council, at its last session, amounting to two hundred and twenty-five dollars, upon the certificate of the President of the Council and countersigned by the Secretary, which was agreed to.

C. F. No. 16, "Joint resolution relative to compensation to Webber & Remey," &c. was read a second time, and ordered to be engrossed and read a third time on to-morrow.

C. F. No. 17, "Joint resolution requesting our delegate to Congress to obtain the passage of a law relative to the election of Governor of this Territory by the people," was read a second time.

On motion of Mr Whittlesey,

The joint resolution was amended by striking out the word "that," in the 4th line, and inserting after the word "Territory," the word "to."

Mr Clark moved further to amend by adding after the word "people," the words "after the term of office of the present incumbent expires," which was agreed to, and

On the question of having the resolutions, as amended, engrossed and read a third time, the yeas and nays being required, were as follows:



Those who voted in the affirmative, were Messrs Browne, Clark, Hepner, Inghram, Keith, Lewis, Parker, Payne, Swazey, Whittlesey and Mr President, 11.

Mr Hughes voted in the negative.

So the question was carried, and the resolutions as amended were ordered to be engrossed and read a third time on to-morrow.

C. F. No. 34, "A bill to repeal the acts therein mentioned," was read a second time, and considered in committee of the whole, Mr Inghram in the chair. After some time spent in consideration of said bill, the committee rose, and through their chairman reported the same back to the Council with one amendment, which was concurred in, and the bill as amended was ordered to be engrossed and read a third time on to-morrow.

On motion of Mr. Hughes,

The Council adjourned until 2 o'clock, P. M.

## TWO O'CLOCK, P. M.

C. F. No. 35, "A bill for the relief of certain administrators," was read a second time.

Mr Payne moved that the bill be indefinitely postponed, and on this question the yeas and nays being required were as follows:

Those who voted in the affirmative, were Messrs Clark, Hughes, Keith, Payne, Swazey and Mr President, 6.

Those who voted in the negative, were Messrs Browne, Hepner, Inghram, Lewis, Parker and Whittlesey, 6.

So the motion was lost.

Mr Whittlesey moved that the bill be engrossed and read a third time on to-morrow, and on this question the yeas and nays being required were as follows:

Those who voted in the affirmative, were Messrs Browne, Hepner, Inghram, Lewis, Parker, and Whittlesey, 6.

Those who voted in the negative, were Messrs Clark, Hughes, Keith, Payne, Swazey and Mr President, 6.

So the motion was lost, and

On motion of Mr Whittlesey,

The bill was laid on the table.

H. R. file, No. 101, "An act to amend an act to assess and collect county revenue," was read a second time, and

On motion of Mr Clark,

Was referred to the judiciary committee.

The following message was received from the House of Representatives, by Mr Fales, Chief Clerk:

Mr President: The House of Representatives have passed No. 51, H. R. file, "A bill to incorporate the city of Du Buque," and have disagreed to the amendments made by the Council to No. 41, H. R. file, "A memorial to the President of the United States for the postponement of the Land Sales in the Burlington land district."

The House have also passed No. 29, C. F. "A bill to authorize Adam Ritchie to erect a dam across Crooked creek in Henry county." Mr Fales then withdrew.



H. R. file, No. 130, "A bill to establish a Seminary of learning at or near Antwerp in Cedar county," was read a second time.

On motion of Mr Whittlesey,

The rule prohibiting the second and third reading of bills, &c. on the same day, was suspended, and the bill was read a third time and passed, and title agreed to.

The communication from his Excellency the Governor, containing certain nominations, having been made the special order of the day, was taken up.

On motion of Mr Parker,

The Council went into an Executive session.

After some time the Council resumed its regular session.

C. F. No. 32, "A bill appointing commissioners to review a Territorial road from Burlington to the Indian boundary line," was read a second time, and

On motion of Mr Hepner,

Was laid upon the table subject to the order of the Council.

H. R. file, No. 124, "A bill to punish trespass on School and other lands," was read a third time, and

On motion of Mr Inghram,

Was referred to the committee on schools.

C. F. No. 25, "A bill for the benefit of Des Moines county," with the report of the select committee accompanying the same, was taken from the table.

On the question of concurring in the report of the committee the yeas and nays being required were as follows:

The ayes were Messrs Browne, Clarke, Hughes, Keith, Payne, Swazey, Whittlesey, and Mr President, 8.

The nays were Messrs Hepner, Inghram, Lewis and Parker, 4.

So the report was concurred in, and the bill was indefinitely postponed.

H. R. file, No. 41, "A memorial to the President of the United States for the postponement of the land sales in the Burlington Land district," having been returned from the House of Representatives with their disagreement to the amendments made by the Council, and being again under consideration,

On motion of Mr Clark,

The Council insisted on their amendments.

C. F. No 14, "A resolution relative to taking the census," being under consideration as amended by the House of Representatives,

On motion of Mr Whittlesey,

The Council concurred in said amendments.

The following message was received from the House of Representatives, by Mr Fales, Chief Clerk:

Mr President: The House of Representatives have passed bills of the House as follows:

No. 131, A bill to authorize Harriet Knapp to sell and convey the interest of Nathaniel Knapp deceased, in the half breed lands in Lee county.

No. 133, A bill to authorise William Warner to erect a dam across Big Cedar, in Henry county.



No. 134, A bill to amend an act subjecting real and personal estate to execution.

No. 135, A bill defining a lawful fence and providing against trespassing animals.

No. 136, A bill to incorporate the Bloomington mill and manufacturing company.

No. 7, C. F. A memorial to Congress for an appropriation for a military Road from Fort Madison to a contemplated military post on the Des Moines River.

Also, with amendments,

No. 6, C. F. A memorial to Congress for appropriations to be expended in building bridges and improving roads on the mail routes in this territory.

No. 14, C. F. A resolution relative to the taking of the census.

I herewith present for your signature (the same having been signed by the speaker of the House of Representatives,)

An act to organise the county of Clinton and establish the seat of justice thereof.

An act for the benefit of the sheriff of Des Moines county.

Which acts were then signed by the President of the Council, and Mr Fales withdrew.

C. F. No. 6, "A memorial to Congress for appropriations to be expended in building bridges, and improving roads on the mail routes in this Territory," being under consideration as returned from the House of Representatives with three amendments,

On motion of Mr Hepner,

The Council concurred in the first amendment.

On motion of Mr Clark,

The Council concurred in the second amendment, and

On motion of Mr Parker,

The Council concurred in the third amendment.

Mr Parker, on previous notice, and leave being granted, introduced "A bill (C. F. No. 38,) relative to divorce, alimony, and other purposes," which was read and ordered to be printed.

On motion of Mr Hughes,

The Council adjourned,

**Saturday Morning, Jan. 11, 1840.**

The Council met pursuant to adjournment.

Mr Lewis, from the committee on Territorial Affairs, to whom was referred a resolution of yesterday, upon the subject of the disposal of the



Journals of the Council reported the following as a substitute for said resolution.

Resolved, That as soon as the Journal of the Council is printed and received by the Secretary of the Territory, he is hereby requested to forward three copies to each member of the Council, one copy to each member of the House of Representatives, twenty copies to be deposited in the public Library for the use of the next session of the Council, and the remainder to be deposited in the Library subject to the order and disposal of the Governor of this Territory.

The report was concurred in, and the resolution adopted.

Mr Parker, from the committee on the judiciary, to whom was referred the amendments of the House of Representatives to C. F. No. 4, "A bill to prevent frauds," reported the same back to the Council without amendment.

On motion of Mr Parker,

The amendments of the House were concurred in.

Mr Payne moved that the rule requiring one day's notice previous to introducing a bill be suspended, which was agreed to, and he introduced "A bill (C. F. No. 39,) to establish a University at the town of Mount Pleasant in Henry county," which was read and ordered to be printed.

Mr Parker, from a select committee, to whom was referred H. R. file, No. 115, "A memorial to Congress for an appropriation for carrying the extra mail from Davenport to Du Buque in the winter of 1838-9," reported as a substitute a joint resolution, C. F. No. 18.

The report was concurred in, and the resolution was read a first and second time.

On motion of Mr Lewis,

The rule prohibiting the second and third reading of bills, &c. on the same day was suspended, and the resolution was read a third time and passed.

C. F. No. 36, "A bill for the location of a Territorial road from Mount Pleasant to the county seat of Washington county," was read a second time, and

On motion of Mr Payne,

Was referred to the same committee that reported the bill.

On motion of Mr Clark,

Ordered, That the committee on Territorial Affairs, to whom was referred H. R. file, No. 97, "A memorial to Congress for an appropriation for a road from Burlington to the mouth of the Iowa," be instructed to report the same back to the Council on Monday next.

H. R. file, No. 51, "A bill to incorporate the city of Du Buque," and

H. R. file, No. 131, "A bill to authorize Harriet Knapp to sell and convey the interest of Nathaniel Knapp deceased, in the half breed lands in Lee county," were severally read a first time.

H. R. file, No. 133, A bill to authorise William Warner to erect a dam across Big Cedar in Henry county," was read a first and second time.

On motion of Mr Payne,

The rule prohibiting the second and third reading of bills, &c. on the same day was suspended, and the bill was read a third time, and passed, and title agreed to.



H. R. file, No. 134, "A bill to amend an act subjecting real and personal estate to execution," and

H. R. file, No. 135, "A bill defining a lawful fence, and providing against trespassing animals," were read a first time.

H. R. file, No. 136, "A bill to incorporate the Bloomington mill and manufacturing company," was read a first and second time.

On motion of Mr Clark,

The rule prohibiting the second and third reading of bills, &c. on the same day, was suspended, and the bill was read a third time and passed, and title agreed to.

Mr Payne, from a select committee, to whom was referred C. F. No. 36, "A bill for the location of a territorial road from Mount Pleasant to the county seat of Washington county," reported the same with amendments. The report was concurred in; the amendments were read a first and second time, and the bill, as amended, was ordered to be engrossed and read a third time on Monday next.

C. F. No. 37, "A bill relative to evidence," was read a second time, and

On motion of Mr Brown,

Was referred to the committee on the judiciary.

C. F. No. 16, "Joint resolution relative to compensation to Webber & Remey."

C. F. No. 17, "Joint resolution requesting our Delegate to Congress to obtain the passage of a law relative to the election of Governor of this Territory by the people," and

C. F. No. 34, "A bill to repeal the acts therein mentioned," were severally read a third time and passed.

The President of the Council announced a communication from Charles Weston, Esq. Fiscal Agent, &c. on the subject of memorials, &c. sent to Congress, which was read, and

On motion of Mr. Browne,

Was laid on the table, subject to the order of the Council.

The Resolution of the House of Representatives, relative to the election of a Director of the Penitentiary, at three o'clock, P. M. of this day, was taken up, and

On motion of Mr Payne,

The Council concurred in said resolution.

Mr Inghram offered the following:

Resolved, That a committee be appointed, to consist of one member from each electoral district to bring in a bill to authorise the county commissioners of Des Moines, Lee, Van Buren, Henry, Louisa, Slaughter, and Muscatine counties to liquidate and settle the debt due by the county of Des Moines on the 1st day of December, 1836.

Mr Hepner moved to amend by adding "and that said committee be instructed to report on or before Monday next," which was agreed to, and the resolution, as amended, was adopted.

The President appointed Messrs Inghram, Browne, Parker, Clark, Lewis, Swazey, Hughes and Whittlesey said committee.

The following message was received from the House of Representatives, by Mr Fales, Chief Clerk:



Mr President: The House of Representatives have passed, with amendments,

No. 23, C. F. "A bill to provide for the election of Delegate to Congress, Judges of Probate, &c." and

No. 33, C. F. "A bill to amend the act providing for the appointment of Justices of the Peace, &c."

In which the concurrence of the Council is requested.

The House have agreed to the report of the committee of conference relative to No. 99, H. R. file, "A bill establishing certain Territorial roads therein named." Mr Fales then withdrew.

Mr Parker, on previous notice, and leave being granted, introduced "A bill (C. F. No. 40) to abolish imprisonment for debt," which was read and ordered to be printed.

No. 23, C. F. "A bill to provide for the election of Delegate to Congress, Judges of Probate, &c." being under consideration as returned from the House of Representatives with amendments,

On motion of Mr Parker,

The Council disagreed to said amendments.

On motion of Mr Browne,

The Council adjourned until 2 o'clock, P. M.

## TWO O'CLOCK, P. M.

C. F. No. 33, "A bill to amend the act providing for the appointment of Justices of the Peace, &c." being under consideration as returned from the House of Representatives with amendments to the 4th and 14th sections,

On motion of Mr Lewis,

The Council concurred in the first amendment.

On the question of concurring in the second amendment, the yeas and nays being required, were as follows:

Those who voted in the affirmative, were Messrs Browne, Clark, Hughes, Inghram, Keith, Swazey and Mr President, 7.

Those who voted in the negative, were Messrs Hepner, Lewis, Parker and Payne, 4.

So the second amendment was also concurred in.

On motion of Mr Lewis,

H. R. file, No. 79, "A bill to relocate the county seat of Clayton county," was taken from the table, read a third time, and passed, and title agreed to.

Mr Inghram from the committee of conference appointed to act with a similar committee of the House of Representatives, in relation to the amendment made to the memorial for an appropriation to make a McAdamized road from the city of Burlington to Fairfield in Jefferson county, reported that the committee appointed by the House have agreed to recede from their disagreeing vote to the amendment made by the Council to said memorial.

Mr Inghram, from a select committee, to whom was referred a resolution relative to a debt due by Des Moines county in December 1836, reported "A bill (C. F. No. 41,) to provide for the settlement of the claim that Des Moines county has upon Lee, Van Buren, Henry, Slaughter



(now Washington) Louisa and Muscatine counties," which was read, and ordered to be printed.

On motion of Mr Hepner,

C. F. No. 32, 'A bill appointing commissioners to review a Territorial road,' was taken from the table, and

On motion of Mr Inghram,

Was referred to the committee on roads.

The following message was received from the House of Representatives, by Mr Fales, Chief Clerk:

Mr President: The House of Representatives have passed,

No. 113, H. R. file, A bill to authorise the keeping of certain ferries therein named,

No. 150, H. R. file, A resolution instructing our Delegate in Congress, to procure an appropriation, to defray the expenses, incurred by reason of the late difficulties, with the State of Missouri.

No. 15, C. F. A resolution requesting the appointment of a resident engineer.

Also, with amendments,

No. 30, C. F. A bill relative to the authentication of statutes, &c.

No. 31, C. F. A bill amendatory to "an act for assessing and collecting county revenue,"

In which the concurrence of the Council is requested.

I herewith present for your signature,

A memorial to Congress for an appropriation to improve roads from Iowa City to Prairie du Chien, and from Du Buque to the county seat of Delaware county,

A resolution requesting our Delegate in Congress, to urge the passage of a law for a post road,

A resolution, providing for the payment of the rent of the building occupied by the Legislative Assembly,

An act to incorporate the Tuscarora steam mill company,

An act to provide for an extra session of the Legislative Assembly,

An act for the relief of Van Buren county,

An act to incorporate the Bloomington insurance company,

An act for the relief of certain carriers,

All of which have been signed by the speaker of the House of Representatives.

Which acts, memorials, &c. were then severally signed by the President of the Council, and Mr Fales withdrew.

C. F. No. 30. A bill relative to the authentication of statutes, &c. being under consideration as amended by the House of Representatives,

On motion of Mr Parker,

The Council disagreed to the amendments made by the House, by yeas and nays, viz: (all voting in the affirmative)

Messrs Brown, Clark, Hepner, Hughes, Inghram, Keith, Lewis, Parker, Payne, Swazey, Whittlesey, Mr President, 12.

No. 31, C. F. A bill amendatory to "an act for assessing and collecting county revenue," being under consideration with amendments made by the House of Representatives,

On motion of Mr Clark,



The Council concurred in said amendments.

H. R. file, No. 113, "A bill to authorise the keeping of certain ferries therein named," was read a first time.

H. R. file, No. 150, "A resolution instructing our Delegate in Congress to procure an appropriation to defray the expenses incurred by reason of the late difficulty with the state of Missouri," was read a first time, and

On motion of Mr. Browne,

Was laid on the table, subject to the order of the Council.

Mr Lewis, from the committee on the judiciary, reported "a bill (No. 42, C. F.) to amend "an act relative to mechanics' liens, &c." which was read, and ordered to be printed.

Messrs Hawkins and Hastings, from the House of Representatives, were introduced, and stated that the Hall of the House of Representatives, was now in readiness for the reception of the members of the Council, for the purpose of going into an election for a Director of the Penitentiary, and

On motion of Mr. Parker,

The Council repaired to the Hall of the House of Representatives.

On motion of Mr Bailey,

The two Houses proceeded to balloting.

On motion of Mr Hughes,

Messrs Lewis and Patterson were appointed tellers.

Mr Browne put in nomination John Claypole.

The ballots being taken and counted resulted as follows, viz:

For John Claypole, 31 votes.

" John H. Randolph 1 vote.

" James G. Edwards, 2 votes.

John Claypole having received a majority of the whole number of votes given was declared duly elected Director of the Penitentiary.

After which the members of the Council returned to their Chamber.

Mr Whittlesey, from the joint committee on enrollments, reported that said committee had examined and found correctly enrolled C. F. No. 27, "An act to regulate the admission of Attorneys," and also that they had presented on the 10th, "An act (C. F.) for which the following is a receipt:

EXECUTIVE DEPARTMENT, }

January 10, 1840. }

Received of Mr Whittlesey, member of the Council, "A bill to locate and establish a Territorial road from Fairfield to Wapello, &c." presented for my consideration.

[Signed]

ROBERT LUCAS.

On motion of Mr Parker,

H. R. file, No. 134, "A bill to amend an act subjecting real and personal estate to execution," was taken from the table, and referred to the committee on the Judiciary.

Mr Whittlesey, on leave, introduced a "A memorial (C. F. No. 8) requesting the donation of the sections of land contiguous to the section donated as a location for the seat of government of this Territory," which was read and ordered to be printed.

On motion of Mr Browne,

The Council adjourned until Monday next, at 10 o'clock, A. M.



Monday Morning, Jan. 13, 1840.

The Council met pursuant to adjournment.

Mr Browne offered the following:

Resolved, That Stephen Hempstead be allowed the sum of three dollars per day, extra pay, for his services as President of the Council, during the present session of the Legislative Assembly, and that the Secretary of the Territory is hereby authorized to pay the same.

Mr Payne, from the committee on incorporations, to whom was referred sundry petitions relative to constructing a dam across Skunk river, introduced "A bill (C. F. No. 43,) to authorize William Ingersoll to build a dam across Skunk river in the northern part of Jefferson county," which was read a first and second time.

On motion of Mr Payne,

The rule prohibiting the second and third reading of bills, &c. on the same day, was suspended, and the bill was read a third time and passed, and title agreed to.

Mr Parker, from the judiciary committee, to whom was referred No. 134, H. R. file, "A bill amending an act subjecting real and personal estate to execution," reported a substitute. The report was concurred in, and the bill (C. F. No. 44,) was read a first and second time.

On motion of Mr Parker,

The rule prohibiting the second and third reading of bills, &c. on the same day was suspended, and the bill was read a third time, and passed, and title agreed to.

C. F. No. 39, "A bill to establish a University at Mount Pleasant, in Henry county," was read a second time.

On motion of Mr Payne,

The bill was amended by filling the blank in the first section with the names of J. H. Randolph, E. Killpatrick, Rev. Samuel Hutton, Robert Caulk, George Miller, jr. John S. Stephenson, Lyman Chase, Aaron Street, sen. Joseph B. Teas, Elisha Bell, Joseph Forbes, T. T. Qualls, Doct. J. M. Robertson, Rev. Alexander Ewing, Samuel C. Reid, Isham Keith, Samuel Shuffleton, Edward Thomas, Philip Viele, and William R. Ross, and in the second section by inserting after the word "real" in the 5th line the word "personal."

The bill as amended was ordered to be engrossed and read a third time on to-morrow.

Mr Lewis, from the committee on Territorial affairs, presented "A memorial (C. F. No. 9,) for an appropriation to defray expenses of the militia, &c." which was read and ordered to be printed.

H. R. file, No. 51, "A bill to incorporate the city of Du Buque," was read a second time, and considered in committee of the whole, Mr Clark in the chair. After some time the committee rose, and through their chairman, reported the same back to the Council with amendments, which



amendments were concurred in, and the bill as amended was ordered to a third reading on to-morrow.

Mr Parker, from the judiciary committee, to whom was referred C. F. No. 20, "A bill concerning costs and for other purposes," reported the same back with one amendment, viz: striking out the 7th section, which report was concurred, and the bill as amended was ordered to be engrossed and read a third time on to-morrow.

On motion of Mr Clark,

H. R. file, No. 50, "A memorial to Congress for the improvement of roads therein mentioned," was taken from the table, and referred to a select committee.

The President appointed Messrs Clark, Inghram, Keith and Lewis said committee.

H. R. file, No. 113, "A bill to authorize the keeping of certain ferries therein named," was read a second time.

No order being taken upon the bill, it was laid upon the table, to be again taken up in its order.

H. R. file, No. 131, "A bill to authorize Harriett Knapp to sell and convey the interest of Nathaniel Knapp deceased, in the half breed lands in Lee County," was read a second time, and

On motion of Mr Payne,

Was laid upon the table, subject to the order of the Council.

C. F. No. 40, "A bill to abolish imprisonment for debt," was read a second time, and considered in committee of the whole, Mr Inghram in the chair. After some time spent in consideration of said bill, the committee rose, and, through their chairman, reported the same back to the Council with one amendment, which amendment was not agreed to, and the bill was ordered to be engrossed and read a third time on to-morrow.

C. F. No. 41, "A bill to provide for the settlement of the claim that Des Moines county has upon Lee and other counties," was read a second time.

On motion of Mr Hepner,

The bill was amended by inserting after the word "portion" in the 4th line, the words "of the original debt of said county."

The bill as amended was ordered to be engrossed and read a third time on to-morrow.

C. F. No. 38, "A bill relative to divorce, alimony and other purposes," was read a second time, and considered in committee of the whole, Mr Hepner in the chair. After some time the committee rose, and through their chairman, reported said bill back to the Council with amendments, which amendments were concurred in.

Mr Payne moved further to amend by striking out the word "neighborhood," in the 7th section, and inserting the word "Territory," which was agreed to.

Mr Whittlesey moved to amend the 2nd section by striking therefrom the sixth clause, and inserting the words "when either party shall be addicted to habitual drunkenness," and on this question the yeas and nays being required, were as follows:

Those who voted in the affirmative were Messrs Clark, Hughes, Inghram, Keith, Parker, Payne, Ralston, Swazey and Whittlesey, 9.



Those who voted in the negative were Messrs Hepner, Lewis and Mr President, 3.

So the amendment was agreed to, and before any further action was had on said bill,

On motion of Mr Hughes,

The Council adjourned until 2 o'clock, P. M.

## TWO O'CLOCK, P. M.

The consideration of No. 38, C. F. was resumed.

On motion of Mr Payne,

The bill was ordered to be engrossed and read a third time on to-morrow.

Mr Payne, from the committee on incorporations presented C. F. No. 45, "A bill to establish a Ferry across the Mississippi river," which was read a first and second time, and considered in committee of the whole, Mr Parker in the chair. After some time, the committee rose, and through their chairman reported said bill back to the Council without amendment. The report was concurred in, and

On motion of Mr Parker,

The rule prohibiting the second and third reading of bills, &c. on the same day was suspended, and the bill was read a third time and passed, and title agreed to.

The following message was received from the House of Representatives, by Mr Fales, Chief Clerk :

Mr President: The House of Representatives have passed with an amendment :

No. 17, C. F. Resolutions requesting our Delegate to Congress, to obtain the passage of a law relative to the election of Governor of this Territory by the people.

The House insist upon their amendment to No. 23, C. F. A bill to provide for the election of Delegate to Congress, &c.

The House also insist on their disagreeing vote to the amendments of the Council to No. 41, H. R. file, A memorial to the President of the United States for the postponement of the land sales in the Burlington district, and request a conference thereon. Messrs Summers, Bailey and Lash have been appointed the committee on the part of the House.

The House of Representatives have passed bills of the House as follows :

No. 139, A memorial to Congress for an appropriation for a road from Keokuk *via* West Point to Mount Pleasant.

No. 141, A bill to authorize John Troxell to erect a dam across Big Cedar in Jefferson county.

No. 142, A bill to authorize Joseph Clinkenbeard to erect a dam across Big Cedar in Jefferson county.

No. 143, A bill to provide for the annual organization of the House of Representatives.

No. 145, A bill to establish a Territorial road from Bloomington by Point Comfort to the Western line of Washington county.

No. 147, A resolution relative to a post route.

In all of which the concurrence of the Council is requested.

I herewith return for your signature an act to regulate the admission of



Attorneys, the same having been signed by the Speaker of the House of Representatives.

Which was signed by the President of the Council, and then Mr Fales withdrew.

Mr Inghram, from the committee on schools, to whom was referred H. R. file, No. 116, "A bill to establish a system of common schools," reported the same back to the Council without amendment. The report was concurred in, and the bill was considered in committee of the whole, Mr Swazey in the chair. After some time spent in consideration of said bill, the committee rose and through their chairman, reported the same back to the Council with amendments, which amendments were concurred in.

On motion of Mr Inghram,

The rule prohibiting the second and third reading of bills, &c. on the same day, was suspended, and the bill as amended was read a third time and passed and title agreed to.

Mr Hughes, from the committee on roads, to whom was referred C. F. No. 32, "A bill appointing commissioners to review a Territorial road from Burlington to the Indian boundary line," reported the same back to the Council with amendments. The report was concurred in, and the amendments were read a first and second time.

Mr Inghram moved further to amend by filling the blank in the 1st section with the names of Joshua Holland, Henry Swan and Thomas Blair, which was agreed to.

On motion of Mr Inghram,

The rule prohibiting the second and third reading of bills, &c. on the same day, was suspended, and the bill as amended was read a third time and passed, and title agreed to.

Mr Whittlesey from the joint committee on enrollments,

Reported that they had presented to the Governor for his approval and signature on the 11th inst. H. R. file, "An act for the benefit of the sheriff of Des Moines county," and "An act to organize the County of Clinton," and have to-day examined and find correctly enrolled,—

C. F. No. 14, "Resolution relative to taking the census."

" 28, "An act for the relief of certain officers in this Territory."

C. F. No. 31, "An act amendatory to an act for assessing and collecting county revenue."

C. F. No. 29, "An act to authorise Adam Ritchie to erect a dam."

C. F. No. 6, "A memorial to Congress for appropriations to be expended in bridges and roads on mail routes."

C. F. No. 33, "An act to amend an act providing for the appointment of Justices of the Peace."

C. F. No. 15, "Resolution requesting the appointment of a Resident Engineer."

Mr Lewis, from the committee on Territorial Affairs, to whom was referred H. R. file, No. 37, "A memorial to Congress for a further appropriation for the road from Burlington to the Des Moines river," reported the same back to the Council without amendment. The Report was concurred in, and the memorial was read a third time and passed.



Mr Whittlesey, on leave, presented "A bill (C. F. No. 46) relating to auctioneers and auction sales," which was read and ordered to be printed.

No. 26, H. R. file, "A bill to amend an act relative to the Penitentiary," being the special order of the day was taken up, the amendments were again read, and,

On motion of Mr Clark,

The bill was referred to the committee on the Judiciary with instructions to report to-morrow morning.

C. F. No. 36, "A bill for the location of a Territorial road from Mount Pleasant, to the county seat of Washington county, was read a third time and passed and title agreed to.

The following message was received from the House of Representatives, by Mr Fales, Chief Clerk:

Mr President: The House of Representatives have passed

No. 18, C. F. Resolution relative to pay for carrying the extra mail.

No. 151, H. R. file, A bill to authorise Robert E. Mott to keep a ferry across the Des Moines river, at the Round Mound in Lee county.

The House have receded from their amendment to

No. 30, C. F. A bill relative to the authentication of statutes without the approval of the Governor, and for other purposes.

The President of the Council announced a communication from the Governor, containing certain nominations.

On motion of Mr Hughes

The Council went into an executive session.

After some time the Council resumed its regular session.

Mr Parker from the committee on the judiciary on leave, introduced "A bill (C. F. No. 47) amendatory of an act regulating practice, &c. approved January 25, 1839," which was read and ordered to be printed.

C. F. No. 17, "Joint resolutions requesting our Delegate to Congress to obtain the passage of a law relative to the election of Governor of this Territory by the people," being under consideration as amended by the House of Representatives,

On motion of Mr Inghram,

The Council concurred in the amendment of the House.

C. F. No. 23, "A bill to provide for the election of Delegate to Congress, &c." having been returned from the House with their amendments insisted on, and being again under consideration,

On motion of Mr Parker,

The Council insisted on their disagreeing vote and a committee of conference was appointed (Messrs. Parker and Clark) to act with a similar committee of the House, in relation to said bill.

H. R. file, No. 41, "A memorial to the President of the United States, for the postponement of the land sales in the Burlington land district," being under consideration as returned from the House of Representatives insisting on their disagreeing vote to amendments of the Council.

Messrs Payne, Whittlesey and Swazey were appointed a committee of conference on the part of the Council in relation to said memorial.

H. R. file, No. 147, "A joint resolution relative to a Post Route," was read a first time.

H. R. file, No. 139, "A memorial to Congress for an appropriation for



a road from Keokuk *via* West Point to Mount Pleasant," was read a first and second time.

On motion of Mr Payne,

The rule prohibiting the second and third reading of bills, &c. on the same day, was suspended, and the memorial was read a third time and passed.

H. R. file, No. 141, "A bill to authorize John Troxell to erect a dam across Big Cedar, in Jefferson county," was read a first and second time.

On motion of Mr Payne,

The rule prohibiting, &c. was suspended, and the bill was read a third time, and passed, and title agreed to.

H. R. file, No. 142, "A bill to authorise Joseph Clinkenbeard to erect a dam across Big Cedar, in Jefferson county," was read a first and second time.

On motion of Mr Payne,

The rule prohibiting, &c. was suspended, and the bill was read a third time and passed, and title agreed to.

H. R. file, No. 143, "A bill to provide for the annual organization of the House of Representatives," was read a first and second time, and

On motion of Mr Clark,

Was referred to the committee on the judiciary.

H. R. file, No. 145, "A bill to establish a Territorial road from Bloomington by Point Comfort to the western line of Washington county," was read a first time.

H. R. file, No. 151, "A bill to authorise Robert E. Mott to keep a ferry across the Des Moines river at the Round Mound in Lee county," was read a first and second time.

On motion of Mr Parker,

The rule prohibiting, &c. was suspended, and the bill was read a third time, and passed, and title agreed to.

Mr Swazey, on leave, introduced "A memorial (C. F. No. 10,) to the Secretary of War, on the subject of arms and munitions of war for Iowa Territory," and "A memorial (C. F. No. 11,) to Congress on the subject of a public armory, in the Territory of Iowa," which were read and ordered to be printed.

The following message was received from the House of Representatives, by Mr Fales, Chief Clerk:

Mr President: I herewith present for your signature,

An act to provide for the execution of title deeds to lots in Iowa city, and for other purposes.

An act to incorporate the Bloomington mill and manufacturing company.

An act establishing certain Territorial roads therein named.

An act to incorporate the town of Salem, in Henry county.

An act to establish a Seminary of Learning, at or near Antwerp, in Cedar county.

All of which have been signed by the Speaker of the House of Representatives.

Which acts were then severally signed by the President of the Council, and Mr Fales withdrew.

On motion of Mr Lewis,

The Council adjourned.



Tuesday Morning, Jan. 14, 1840.

The Council met pursuant to adjournment.

Mr Clark, from a select committee, to whom was referred H. R. file, No. 50, "A memorial to Congress for the improvement of roads therein named," reported the same with amendments. The report was concurred in, and the amendments were read a first and second time.

On motion of Mr Clark,

The rule prohibiting the second and third reading of bills, &c. on the same day, was suspended, and the memorial was read a third time, and passed.

Mr Clark, from the judiciary committee, to whom was referred H. R. file, No. 143, "A bill to provide for the annual organization of the House of Representatives," reported the same back to the Council with amendments. The report was concurred in, and the amendments were read a first and second time.

On motion of Mr Hepner,

The rule prohibiting the second and third reading of bills, &c. on the same day, was suspended, and the bill was read a third time and passed, and title agreed to.

The following message was received from the House of Representatives, by Mr Fales, Chief Clerk:

Mr President: The House of Representatives have passed No. 157, H. R. file, A bill to provide for the compensation of the printers, members and officers of the Legislative Assembly, and for other purposes.

In which the concurrence of the Council is requested.

I herewith return for your signature An act amendatory to "an act for assessing and collecting county revenue," approved January 24th, 1839.

An act for the relief of certain officers in the Territory.

An act to authorize Adam Ritchie to erect a dam across Crooked creek in Henry county.

An act to amend the "act providing for the appointment of Justices of the Peace, &c." approved January 21st, 1839.

A memorial to Congress for appropriations to be expended in building bridges and improving roads on the mail routes in this Territory.

A resolution relative to the taking of the census.

A resolution requesting the appointment of a resident Engineer.

All of which have been signed by the Speaker of the House of Representatives.

Said acts, &c. were then signed by the President of the Council, and Mr Fales withdrew.

Mr Clark, from the judiciary committee, to whom was referred C. F. No. 15, "A bill for the relief of the Poor," reported the same back to the Council with one amendment. The report was concurred in, and the amendment was read a first and second time.

On motion of Mr Clark,



The rules requiring bills to be engrossed previous to their third reading, and prohibiting the second and third readings on the same day, were suspended, and the bill was read a third time, and passed, and title agreed to.

Mr Hughes, from the committee on roads, to whom was referred H. R. file, No. 104, "A bill for opening and regulating roads and highways," reported the same back without amendment. The report was concurred in, and the bill was considered in committee of the whole, Mr Whittlesey in the chair. After some time the committee rose, and through their chairman, reported the same back to the Council with one amendment and asked to be discharged from a further consideration of the subject. The report was concurred in, and the amendment was read a first and second time.

On motion of Mr Hughes,

The rule prohibiting the second and third reading of bills, &c. on the same day, was suspended, and the bill as amended was read a third time and passed, and title agreed to.

H. R. file, No. 157, "A bill to provide for the compensation of printers, members, &c." was read a first and second time, and,

On motion of Mr Lewis,

Was referred to the committee on expenditures.

On motion of Mr Payne,

Messrs Lewis and Clark were added to the committee on expenditures.

Mr Parker from the committee on the judiciary, to whom was referred H. R. file, No. 26, "A bill to amend an act relative to the Penitentiary," reported the same with one amendment. The report was concurred in, and the amendment was read a first and second time.

Mr Clark moved further to amend by striking out the second section of the bill, and on this question the yeas and nays being required were as follows:

The yeas were Messrs Browne, Clark, Hepner, Inghram, Keith, Lewis, Parker, Ralston, Swazey, Whittlesey, and Mr President, 11.

Mr Payne voted in the negative.

So the amendment was agreed to.

On motion of Mr Clark,

The rule prohibiting the second and third reading of bills, &c. on the same day, was suspended, and the bill was read a third time.

Mr Clark moved to fill the blank in the 3d section of the bill with the word "six hundred" and on this question the yeas and nays being required, were as follows:

The yeas were, Messrs Browne, Clark, Keith, Lewis, Parker, Payne, Ralston, and Swazey, 8.

The Nays were Messrs Hepner, Inghram, Whittlesey and Mr President, 4.

So the amendment was agreed to.

On the question of the passage of the bill, the yeas and nays being required were as follows:

The yeas were Messrs Browne, Clark, Hepner, Inghram, Keith, Parker, Payne, and Swazey, 8.

The nays were Messrs Lewis, Ralston, Whittlesey and Mr President, 4.



So the bill passed, and the title was agreed to.

The following message was received from the House of Representatives by Mr Fales, Chief Clerk:

Mr President: The House of Representatives have passed No. 161, H. R. file, "A bill to lay out and establish a Territorial road from Wyoming to Iowa city." In which the concurrence of the Council is requested. Mr Fales then withdrew.

C. F. No. 10, "A memorial to the Secretary of War, on the subject of arms, &c." was read a second time.

Mr Payne moved to amend the memorial by striking out the words "Fort Armstrong on Rock Island," and inserting "Fort Madison," and on this question the yeas and nays being required, were as follows:

The yeas were Messrs Browne, Hepner, Hughes, Inghram, Keith, Payne, Ralston and Swazey, 8.

The nays were Messrs Clark, Lewis, Parker, Whittlesey and Mr President, 5.

So the amendment was agreed to.

On motion of Mr Payne,

The rule prohibiting the second and third reading of bills, &c. on the same day, was suspended, and the memorial was read a third time.

On the question of its passage, the yeas and nays being required were as follows:

The yeas were Messrs Browne, Clark, Hepner, Hughes, Inghram, Keith, Payne, Ralston and Swazey, 9.

The nays were Messrs Lewis, Parker, Whittlesey and Mr President, 4.

So the memorial passed.

C. F. No. 11, "A memorial to Congress on the subject of a public armory in the Territory of Iowa," was read a second time.

Mr Payne moved to strike out the words "Fort Armstrong on Rock Island" and insert "Fort Madison."

Mr Clark moved to amend the amendment by striking out the words "Fort Armstrong on Rock Island," and inserting "Iowa City," and on this question the yeas and nays being required were as follows:

The yeas were Messrs Clark, Hepner, Inghram, Ralston and Whittlesey, 5.

The nays were Messrs Browne, Hughes, Keith, Lewis, Parker, Payne, Swazey, and Mr President, 8.

So the amendment to the amendment was lost.

Mr Parker moved to amend the amendment by striking out the words "Fort Armstrong on Rock Island," and insert "Davenport," and on this question the yeas and nays being required were as follows:

The yeas were Messrs Browne, Inghram, Keith, Lewis, Parker, Ralston, Swazey, Whittlesey, and Mr President, 9.

The nays were Messrs Clark, Hepner, Hughes and Payne, 4.

So the amendment to the amendment was agreed to.

On motion of Mr Inghram,

The memorial was referred to the committee on military affairs.

C. F. No. 47, "A bill amendatory to an act regulating practice, &c." was read a second time.

Mr Parker moved to amend the bill by striking out the 4th and 5th



sections, which was agreed to, and the bill as amended was ordered to be engrossed and read a third time on to-morrow.

Mr Lewis from the committee on military affairs to whom was referred C. F. No. 11, "A memorial on the subject of a public armory in the Territory of Iowa," reported the same with amendments. The report was concurred in, and the amendments were read a first and second time.

On motion of Mr Lewis,

The rules requiring engrossing, and prohibiting the second and third reading of bills, &c. on the same day, were suspended, and the memorial was read a third time and passed.

H. R. file, No. 161, "A bill to lay out and establish a Territorial road from Wyoming to Iowa city," was read a first and second time.

On motion of Mr Clark,

The rule prohibiting the second and third reading of bills, &c. on the same day, was suspended, and the bill was read a third time, and passed, and title agreed to.

On motion of Mr. Whittlesey,

C. F. No. 35, "A bill for the relief of certain administrators," was taken from the table, read a third time and passed, and title agreed to.

C. F. No. 42, "A bill to amend an act relative to mechanic's liens, &c." was read a second time.

On motion of Mr Parker,

The rules requiring engrossing, and prohibiting the second and third reading of bills, &c. on the same day, were suspended, and the bill was read a third time and passed, and title agreed to.

On motion of Mr Payne,

C. F. No. 39, "A bill to establish a University at the town of Mount Pleasant, in Henry county," was taken up, read a third time, and passed, and title agreed to.

C. F. No. 8, "A preamble and memorial relative to requesting the donation of sections of land, &c." was read a second time.

On motion of Mr Whittlesey,

The rules requiring engrossing, and prohibiting the second reading of bills, &c. on the same day, were suspended, and the preamble and memorial was read a third time.

On the question of its passage, the yeas and nays being required, were as follows:

The yeas were Messrs Browne, Clark, Hepner, Inghram, Keith, Lewis, Parker, Ralston, Swazey, Whittlesey and Mr President, 11.

The nays were Messrs Hughes and Payne, 2.

So the preamble and memorial passed.

C. F. No. 9, "A memorial asking an appropriation to defray the expenses incurred in the difficulty with Missouri," was read a second time.

Mr Lewis moved to amend the memorial by filling the blank with the word "thirty," which was agreed to.

On motion of Mr Whittlesey,

The rules requiring engrossing, and prohibiting the second and third reading of bills, &c. on the same day, were suspended, and the memorial was read a third time and passed.



The following message was received from the House of Representatives, by Mr Fales, Chief Clerk :

Mr President: The House of Representatives have passed

No. 149, H. R. file, A bill allowing and confirming the compensation of printers of the last Legislative Assembly, and for other purposes.

No. 154, H. R. file, A resolution to provide for printing the reports of the decisions of the Supreme Court.

No. 156, H. R. file, A resolution relative to an appropriation to defray the expenses of the extra session of the Legislative Assembly.

No. 153, H. R. file, A bill to relocate the county seat of Lee county.

In all of which the concurrence of the Council is requested.

On motion of Mr Hughes,

The Council adjourned until 2 o'clock, P. M.

## TWO O'CLOCK, P. M.

On motion of Mr Browne,

H. R. file, No. 131, "A bill to authorize Harriet Knapp to sell and convey the interest of Nathaniel Knapp, deceased, in the half breed lands in Lee county," was taken from the table, read a third time, and passed, and title agreed to.

On motion of Mr Lewis,

H. R. file, No. 51, "A bill to incorporate the city of Du Buque," was taken from the table, read a third time, and passed, and title agreed to.

C. F. No. 46, "A bill relating to auctioneers and auction sales," was read a second time. No order having been taken upon said bill, it was ordered to a third reading in its order.

H. R. file, No. 103, "A bill defining the duties of supervisors of roads and highways," being upon the third reading.

On motion of Mr Parker,

Was considered in committee of the whole, Mr Clark in the chair. After some time spent in consideration of said bill, the committee rose, and through their chairman reported the same back to the Council with several amendments, which amendments were concurred in.

On motion of Mr Parker,

The bill was further amended by striking out the word "three" in the 1st section and inserting the word "one."

On motion of Mr Parker,

The rule prohibiting the second and third reading of bills, &c. on the same day was suspended, and the bill was read a third time, and passed, and title agreed to.

H. R. file, No. 145, "A bill to establish a Territorial road from Bloomington *via* Point Comfort to the western line of Washington county," was read a second time.

On motion of Mr Clark,

The rule prohibiting the second and third reading of bills, &c. on the same day was suspended, and the bill was read a third time, and passed, and title agreed to.

H. R. file, No. 147, "A joint resolution relative to a post route," was read a second time.



Mr Inghram moved to amend by striking out the word "instructed" and inserting "requested," which was agreed to.

On motion of Mr Inghram,

The rule prohibiting the second and third reading of bills, &c. on the same day, was suspended, and the resolution was read a third time, and passed.

Mr Parker, from the committee on the judiciary, to whom was referred C. F. No. 37, "A bill relative to evidence," reported the same with amendments. The report was concurred in, and the bill as amended was considered in committee of the whole, Mr Inghram in the chair. After some time spent in consideration of said bill, the committee rose, and through their chairman, reported the same back to the Council with one amendment, which amendment was concurred in.

On motion of Mr Parker,

The rule prohibiting the second and third reading of bills, &c. on the same day was suspended, and the bill was read a third time and passed, and title agreed to.

C. F. No. 20, "A bill concerning costs and other purposes," was read a third time, and passed, and title agreed to.

C. F. No. 40, "A bill to abolish imprisonment for debt," was read a third time, and passed and title agreed to.

The following message was received from the House of Representatives by Mr Fales, chief clerk:

Mr President: The House of Representatives have passed

No 8. C. F. "Preamble and memorial to Congress, requesting the donation of the land contiguous to the section donated as a location for the seat of government of this Territory.

I herewith present for your signature

An act to relocate the county seat of Clayton county,

A memorial to Congress for a further appropriation for the road from Burlington to the Des Moines river,

A memorial to Congress on the subject of a turnpike road from the city of Burlington, via Mount Pleasant, to Fairfield,

All of which have been signed by the speaker of the House of Representatives.

Which said acts, &c. were then signed by the president of the Council, and then Mr Fales withdrew.

C. F. No. 41, "A bill to provide for the settlement of the claim that Des Moines county has upon Lee, and other counties, was read a third time.

Mr Hepner moved to amend the bill by striking out the word "may" in the 10th line of section 2d and inserting "shall" which was agreed to by unanimous consent of the Council, and the bill, as amended, passed, and title agreed to.

On motion of Mr Clark,

The vote given relative to the passage of "A bill (C. F. No. 20) concerning costs, &c." was reconsidered.

Mr Clark moved to amend the bill by striking out in the 8th section the word "sixty" and inserting the word "ninety" which was agreed to



by unanimous consent of the Council, and the bill as amended passed, and title agreed to.

Mr Hepner from the committee on expenditures to whom was referred H. R. file, No 157, "A bill to provide for the compensation of members, printers, &c." reported the same with amendments. The report was concurred in, and the amendments were read a first and second time and the bill as amended, was considered in committee of the whole, Mr Hepner in the chair. After some time spent in consideration of said bill the committee rose, and through their chairman reported the same back to the Council with amendments.

Mr Hepner moved to amend the amendment reported by the committee in the 10th section, by striking out the words, "twenty five," and inserting "one hundred" which was agreed to, and the amendments of the committee of the whole, as amended, was concurred in.

Mr Whittlesey moved to further amend by striking out in 10th section the word "one" and insert "two," and on this question the yeas and nays being required, were as follows:

The ayes were Messrs Browne, Hepner, Hughes, Inghram, Keith, Parker, Swazey, Whittlesey and Mr President, 9.

The nays were Messrs Clark and Payne, 2.

So the amendment was agreed to.

On motion of Mr Hepner,

The rule prohibiting the second and third reading of bills, &c. on the same day was suspended, and the bill as amended was read a third time.

On the question of the passage of the bill, the yeas and nays being required were as follows:

The ayes were Messrs Browne, Clark, Hepner, Hughes, Inghram, Keith, Parker, Swazey, Whittlesey and Mr President, 10.

Mr Payne voted in the negative.

So the bill passed.

Mr Hepner moved to amend the title by striking out the word "members" and inserting "officers," which was agreed to, and the title as amended was agreed to.

Mr Inghram offered the following:

Resolved, That Charles Weston be employed to copy and forward all memorials and joint resolutions now in the Secretary's Office, and that he receive for such services a compensation in proportion to what has been paid Jesse Williams for similar work. Which,

On motion of Mr Parker,

Was referred to the committee on expenditures.

The following message was received from the House of Representatives, by Mr Fales, Chief Clerk:

Mr President: The House of Representatives have passed with amendments,

No. 34, C. F. A bill to repeal the acts therein mentioned. Also without amendments.

No. 44, C. F. A bill amendatory of An act subjecting real and personal estate to execution, approved January 25, 1839, and

No. 43, C. F. A bill to authorize Wm Ingersoll to build a dam across Skunk River, in Jefferson county. Mr Fales then withdrew.



Mr Parker presented the petition of Messrs Brophy and Bourne, which was read, and,

On motion of Mr Inghram,

Was ordered to be laid on the table until the 4th of July next.

H. R. file, No. 113, "A bill to authorise the keeping of certain ferries therein mentioned," was read a third time, and

On motion of Mr Parker,

Was referred to the judiciary committee.

The Chair announced a communication from his Excellency the Governor, containing certain nominations.

On motion of Mr Payne,

The Council went into an Executive session.

After some time, the Council resumed their regular session.

On motion of Mr Payne,

The Council adjourned.

### Wednesday Morning, Jan. 15, 1840.

The Council met pursuant to adjournment.

Mr Clark presented a petition from citizens of Louisa county, relative to a memorial for the postponement of the land sales, which

On motion of Mr Clark,

Was laid on the table.

C. F. No. 34, "A bill to repeal the acts therein mentioned," being under consideration as returned from the House of Representatives, with two amendments,

On motion of Mr Hepner,

The Council concurred in the first amendment.

On motion of Mr Parker,

The Council disagreed to the second amendment.

H. R. file, No. 149, "A bill allowing compensation to printers of the last session of the Legislative Assembly, and for other purposes," was read a first and second time, and

On motion of Mr Parker,

Was referred to the committee on expenditures.

H. R. file, No. 153, "A bill to remove and relocate the county seat of Lee county," was read a first and second time.

On motion of Mr Browne,

The bill was referred to a select committee consisting of one member from each electoral district, and with instructions to report on to-morrow morning.

The president appointed Messrs Browne, Parker, Clark, Hepner, Hughes, Lewis, Keith and Whittlesey, said committee.



H. R. file, No. 154, "A resolution to provide for printing the reports of the decisions of the supreme court," was read a first and second time,

On motion of Mr Parker,

The rule prohibiting the second and third reading of bills, &c. on the same day, was suspended, and the resolution was read a third time, and passed.

H. R. file, No. 156, "A resolution relative to an appropriation to defray the expenses of the extra session of the Legislative Assembly," was read a first and second time.

Mr Whittlesey moved to amend by striking out the word "six" and inserting "ten," which was agreed to.

On motion of Mr Parker,

The resolution was further amended by adding the following:

Resolved, that the Governor of this Territory be requested to forward a copy of this resolution to our delegate in Congress.

On motion of Mr Whittlesey,

The rule prohibiting the second and third reading of bills, &c. on the same day, was suspended, and the resolution was read a third time, and passed.

The following message was received from the House of Representatives by Mr Fales, Chief Clerk:

Mr President: The House of Representatives have concurred in all the amendments made by the Council to

No. 157, H. R. file, A bill to provide for the compensation of the printers, members and officers of the Legislative Assembly and for other purposes, except the allowance to Charles Weston, as fiscal agent, and the striking out of the allowances to John G. M'Donald and Horace Davis, to which they have disagreed.

The House passed

No. 160, H. R. file, A memorial to the President of the U. States for the appointment of Alfred Kebasa to relocate a territorial road.

No. 155, H. R. file, A bill to restrict the commissioners in the expenditure of money in the erection of public buildings in Iowa city,

No. 35, C. F. A bill for the relief of certain administrators.

No 39, C. F. A bill to establish a university at the town of Mount Pleasant, in Henry county.

No. 42, C. F. A bill to amend an act relative to mechanic's liens, and for other purposes, approved December 17, 1838.

No. 46, H. R. file, a bill making certificates of the purchase of public lands, evidence of title.

The House have amended the amendments of the Council, to No. 26, H. R. file, a bill to amend "an act relative to the penitentiary."

In all of which the concurrence of the Council is requested.

Mr Fales then withdrew.

H. R. file, No. 157, "A bill to provide for the compensation of officers, printers, &c. having been returned from the House of Representatives, with their disagreement to three amendments of the Council, and being again under consideration.

On motion of Mr Clark,

The Council insisted on their first amendment.



On motion of Mr Parker,

The Council receded from their second amendment.

Mr Clark moved that the Council recede from their third amendment, and on this question the yeas and nays being required were as follows:

The ayes were Messrs Browne, Clark, Hepner, Inghram, Parker, Ralston, Whittlesey, and Mr. President, 8.

The nays were Messrs Hughes, Keith, Payne, and Swazey, 4.

So the Council receded from their third amendment.

H. R. file, No. 26, "A bill to amend an act relative to the Penitentiary," being under consideration, with an additional amendment of the House of Representatives,

On motion of Mr Hepner,

The Council concurred in said amendment.

H. R. file, No. 160, "A memorial for the appointment of Alfred Hebard, to relocate a territorial road," was read a first and second time, and

On motion of Mr Parker,

Was referred to the committee on territorial affairs.

H. R. file, No. 155, "A bill to restrict the commissioners in the expenditure of money in the erection of public buildings in Iowa city," was read a first and second time.

Mr Clark moved that it be referred to a select committee, which was lost, and

On motion of Mr Hepner,

It was considered in committee of the whole, Mr Lewis in the chair. After some time the committee rose, and through their chairman, reported said bill back to the Council, with two amendments.

Mr Inghram moved to amend the first amendment of the committee by striking out the words "forty thousand dollars" and inserting "the twenty thousand dollars arising from the sale of lots in said city" which motion, on leave, he withdrew.

On the question of concurring in the first amendment, the yeas and nays being required were as follows:

The ayes, were Messrs Browne, Clark, Hepner, Inghram, Lewis, Parker, Ralston, Whittlesey and Mr President, 9.

The nays, were Messrs Hughes, Keith, Payne and Swazey, 4.

So the Council concurred in the first amendment.

The question was then taken upon the second amendment, which was also agreed to.

On motion of Mr Whittlesey,

The Bill was further amended by striking out in the 3d section the word "shall" and inserting "to," and by adding to the said section the words "the progress and state of the building at the date of statement."

Mr Whittlesey moved further to amend by striking out in the 4th section the word "forty" and inserting "twenty," which was also agreed to.

On motion of Mr Parker,

The Bill was referred to the committee on the judiciary, with instructions to report this evening.

H. R. file, No. 46, "A bill making certificates of the purchase of public lands evidence of title," was read a first and second time, and

On motion of Mr Hepner,



Was referred to the committee on the judiciary.

On motion of Mr. Browne,  
The Council adjourned until 2 o'clock, P. M.

## TWO O'CLOCK, P. M.

The President announced a communication from his Excellency, the Governor, containing certain nominations.

On motion of Mr Browne,

The Council went into an Executive Session.

After some time, the Council resumed its regular session.

C. F. No. 47, "A bill amendatory to an act regulating practice, &c." was read a third time and passed, and title agreed to.

Mr Parker, from the committee on the judiciary, to whom was referred H. R. file, No. 67, "A bill to regulate the practice of attorneys at law, &c." and H. R. file, No. 101, "A bill to amend an act for assessing and collecting county revenue," reported the same back to the Council, and also that a further consideration of them be postponed indefinitely. The report was concurred in.

Mr Browne, from a select committee to whom was referred H. R. file, No. 153, "A bill to remove and relocate the county seat of Lee county," reported the same with one amendment. The report was concurred in, and the amendment was read a first and second time.

On motion of Mr Browne,

The rule prohibiting the second and third reading of bills, &c. on the same day, was suspended, and the bill was read a third time, and passed.

Mr Parker to whom was referred H. R. file, No. 113, "A bill to authorize the keeping of certain ferries therein mentioned," reported a substitute. The report was concurred in, and the substitute (C. F. No. 48,) was read a first and second time.

On motion of Mr Parker,

The rules requiring engrossing, and prohibiting the second and third reading of bills, &c. on the same day, were suspended, and the bill was read a third time and passed, and title agreed to.

On motion of Mr Clark,

Resolved, That so much of the resolution of the Council passed January 11th, relative to the distribution of the Journals as requests the Secretary of the Territory to distribute the Journals of the Council, be and the same is hereby rescinded and it is hereby made the duty of the Secretary of the Council to distribute the Journals agreeably to the provisions of said resolution.

Mr Whittlesey reported that the joint committee on enrollments have on to-day presented to the Governor for his approval and signature :

H. R. file, An act to establish certain Territorial roads therein named.

An act to incorporate the Bloomington mill and manufacturing company.

An act to provide for the execution of title deeds to lots in Iowa city and for other purposes.

An act to establish a seminary of learning at or near Antwerp, Cedar county.

An act to incorporate the town of Salem, Henry county; also the acts for



which the accompanying is a receipt, and have examined and find correctly enrolled joint resolution requesting our delegate in Congress to obtain the passage of a law relative to the election of Governor of this Territory by the people.

Resolution relative to extra pay for carrying the mail.

Memorial to Congress for an appropriation for a military road from Fort Madison.

An act to prevent frauds.

An act relative to authentication of Statutes.

EXECUTIVE DEPARTMENT, }  
January, 14, 1840. }

Received of Charles Whittlesey, Esqr. member of the Council, "resolution relative to the taking of the census," (Council file, No. 14,) "Resolution requesting the appointment of a resident engineer," (Council file, No. 15,) "Memorial to Congress for appropriations to be expended in building bridges and improving roads on the mail routes in this Territory," Council file, No. 6, An act amendatory to 'an act for assessing and collecting county revenue, approved Jan. 24, 1839.' (Council file, No. 31,) "An act for the relief of certain officers in the Territory," (Council file, No. 28,) "An act to authorize Adam Ritchie to erect a dam across Crooked creek in Henry county," (Council file, No. 29,) "An act to amend the act providing for the appointment of Justices of the Peace, &c. approved January 21st, 1839," (Council file, No. 33,) presented for consideration and approval.

ROBERT LUCAS.

Mr Parker, from the committee of conference appointed on the part of the Council relative to an amendment made by the House of Representatives to the thirteenth section of a bill to provide for the election of delegate to Congress, judges of probate, &c. reported that the joint committee of both Houses have agreed to strike out the thirteenth section and ask the Council to concur therein.

The Council concurred in said report.

Mr Hepner, from the committee on expenditures, to whom was referred H. R. file, No. 149, "A bill allowing and confirming compensation to printers, &c." reported the same with one amendment. The report was concurred in, and the amendment was read a first and second time.

On motion of Mr Parker,

The rule prohibiting the second and third reading of bills, &c. on the same day was suspended, and the bill was read a third time, and passed, and title agreed to.

C. F. No. 38, "A bill relative to divorce, alimony and other purposes," and

C. F. No. 46, "A bill relating to auctioneers and auction sales," were severally read a third time, and passed, and title agreed to.

On motion of Mr Whittlesey,

The Council adjourned.



Thursday Morning, January 16, 1840.

The Council met pursuant to adjournment.

Mr Payne presented "A joint resolution (C. F. No. 19) relative to the distribution of the laws, &c." which was read a first and second time, and

On motion of Mr Parker,

Was referred to the committee on the judiciary.

Mr Payne presented a "Resolution relative to the adjournment of the Legislative Assembly," which was read, and

On motion of Mr Hepner,

Was laid upon the table.

Mr Parker, from the committee on the judiciary, to whom was referred H. R. file, No. 16, "Joint resolution relative to publishing the laws in the newspapers," reported a substitute (C. F. No. 20) which was read, and

On motion of Mr Clark,

Was laid on the table, by yeas and nays as follows:

The yeas were Messrs Browne, Clark, Hepner, Inghram, Swazey, and Mr. President, 6.

The nays were Messrs Lewis, Parker and Payne, 3.

Mr Hepner reported that the joint committee on enrollments have examined and find correctly enrolled Council file, No. 43, "An act to authorize William Ingersol to build a dam across Skunk River in Jefferson county, C. F. No. 44, "An act amendatory of an act subjecting real and personal estate to execution, approved Jan. 25, 1839.

C. F. No. 33, "An act for the relief of certain administrators.

C. F. No. 42, "An act to amend an act relative to mechanics' liens and for other purposes, approved Dec. 17, 1838."

C. F. No. 39, "An act to establish a university at the town of Mount Pleasant in the county of Henry:" also

C. F. No. 5, "An act relative to habeas corpus,"

On motion of Mr Lewis,

The resolution prohibiting the introduction of new business, &c. was suspended, and he introduced "A bill (C. F. No. 49) supplementary to an act allowing compensation to printers to the last Legislative Assembly, &c., which was read a first and second time, and

On motion of Mr Payne,

Was referred to a select committee.

The President appointed Messrs Payne, Lewis, and Clark said committee.

Mr Parker, from the committee on the judiciary, to whom was referred H. R. file, No. 13, "A bill to amend an act fixing the terms of the supreme and district courts, &c." reported the same back with amendments. The report was concurred in, the amendments were read a first and second time, and the bill as amended, was considered in committee of the whole, Mr Clark in the chair. After sometime the committee rose, and



through their chairman, reported said bill back to the Council with amendments, and asked to be discharged from a further consideration of the subject. The report was concurred in, and

On motion of Mr Inghram,

The bill was referred to the committee on the judiciary.

The following message was received from the House of Representatives, by Mr Fales, Chief Clerk:

Mr President: The House of Representatives have passed,  
No. 15, C. F. A bill for the relief of the poor.

No. 11, C. F. A memorial to Congress on the subject of a public armory in the territory of Iowa.

Also, with amendments,

No. 10, C. F. A memorial to the Secretary of War on the subject of arms, &c.

No 32, C. F. A bill appointing commissioners to review a territorial road."

No. 9, C. F. A memorial to Congress for an appropriation for paying off the militia of the Territory, in which the concurrence of the Council is requested.

I herewith present for your signature, an act to provide for the annual organization of the Council and House of Representatives of the Territory of Iowa.

An act to establish a territorial road from Bloomington by Point Comfort to the western line of Washington county.

An act to authorize Harriet Knapp to sell and convey the interest of Nathaniel Knapp, deceased, in the Half Breed Lands, in Lee county.

A memorial to Congress for the improvement of the roads therein mentioned.

An act to authorise Wm. Warner to erect a dam across Big Cedar in Henry county.

An act to authorize John Troxell to erect a dam across Big Cedar in Jefferson county.

An act to authorize Joseph Clinkenbeard to erect a dam across Big Cedar in Jefferson county.

An act to authorize Robert E. Mott to keep a ferry across the Des Moines river, at the Round Mound in Lee county.

An act to prevent fraud.

An act relative to the authentication of statutes, &c.

Resolution relative to pay for carrying extra mail.

Resolution requesting our delegate to Congress to obtain the passage of a law relative to the election of Governor of this territory, by the people.

A memorial to congress for an appropriation for a military road from Fort Madison to a contemplated military post on the Des Moines river.

All of which have been signed by the speaker of the House of Representatives.

Which acts, &c. were then severally signed by the president of the Council, and Mr Fales withdrew.

Mr Payne, from a select committee to whom was referred C. F. No. 49, "A bill supplementary to an act allowing compensation to the print-



ers of the Legislative Assembly, &c." reported the same with amendments, which amendments were concurred in, and

On motion of Mr Clark,

The bill was laid on the table, subject to the order of the Council.

C. F. No. 9, "A memorial to Congress for an appropriation for paying off the militia of the Territory," being under consideration with an amendment made by the House of Representatives, and

On motion of Mr Hepner,

The Council disagreed to said amendment.

The amendment made by the House to C. F. No. 10, "A memorial to the Secretary of War, on the subject of arms, &c." and to C. F. No. 32, "A bill appointing commissioners to review a Territorial road," were concurred in by the Council.

Mr Inghram, from the Judiciary committee to whom was referred H. R. file, No. 13, "A bill to amend an act fixing the terms of the Supreme and District Courts, &c." reported the same with amendments. The report was concurred in, and the amendments were read a first and second time.

On motion of Mr Inghram,

The rule prohibiting the second and third reading of bills, &c. on the same day, was suspended, and the bill as amended was read a third time, and passed, and title agreed to.

On motion of Mr Clark,

The Council reconsidered the vote relative to the amendment made by the House to C. F. No. 9, and amended said amendment by substituting the following:

Resolved, That his Excellency the Governor, be respectfully requested to forward one copy of this memorial to the President of the United States, and one to our delegate to Congress.

The chair announced a communication from his Excellency the Governor, containing certain nominations.

On motion of Mr Hughes,

The Council went into an executive session. After which,

On motion of Mr Clark,

The Council adjourned until 2 o'clock, P. M.

## TWO O'CLOCK, P. M.

Mr Hepner, from the committee on expenditures, to whom was referred a resolution relative to copying and forwarding resolutions and memorials, &c. reported a substitute, "Joint Resolution," (C. F. No. 21,) which was read a first and second time.

On motion of Mr Hepner,

The resolution was amended by filling the first blank with the name of James Clark.

Mr Lewis moved further to amend by striking out all after the word "be," and insert "paid such sum of money as may be hereafter allowed him by the Legislative Assembly of this Territory," which was agreed to.

On motion of Mr Inghram.



The rules requiring engrossing and prohibiting the second and third reading of Bills, &c. on the same day was suspended, and the resolution as amended, was read a third time, and passed.

Mr Payne, from the committee of conference, to whom was referred the disagreeing vote between the two Houses, on "A memorial to the President of the United States for the postponement of the Land Sales in the Burlington Land District," reported that they met the committee on the part of the House, and have been unable to reconcile the disagreeing vote and both committees have agreed to adhere.

The Council concurred in said report.

Mr Parker, from the judiciary committee, to whom was referred H. R. file, No. 155, "A bill to restrict the commissioners in the expenditure of money in the erection of public buildings at Iowa city," reported the same without amendment. The report was concurred in, and the bill was read a third time, and passed, and title agreed to.

Mr Clark asked leave to withdraw a petition from citizens of Louisa county relative to the postponement of the land sales, which was granted.

Mr Payne presented a joint resolution relative to the favorable opinion that the Legislative Assembly had of the principles expressed by the President of the United States in his late message.

Mr Clark moved to lay said resolution on the table, which was agreed to by yeas and nays, as follows :

Ayes, Messrs Browne, Clark, Hepner, Inghram, Keith and Lewis, 6.

Nays, Messrs Hughes, Parker, Payne, Ralston and Mr President, 5.

On motion of Mr Clark,

The Council adjourned until 7 o'clock, P. M.

#### SEVEN O'CLOCK, P. M.

Mr Hepner reported that the joint committee on enrollments have examined and report correctly enrolled,

C. F. No. 15, An act for the relief of the poor.

C. F. No. 11, A memorial to congress on the subject of a public armory in the Territory of Iowa.

C. F. No. 23, An act to provide for the election of delegate to Congress, judges of probate, sheriffs, county surveyors, and to amend an act regulating general elections in the Territory, also,

C. F. No. 8, Preamble and memorial to Congress requesting the donation of the sections of land contiguous to the section donated as a location for the seat of government of the Territory.

The following message was received from the House of Representatives, by Mr Fales, Chief Clerk:

Mr President: The House of Representatives have passed

No. 152, H. R. file, A resolution for the appointment of a committee to examine the public buildings at Iowa City and Fort Madison.

No. 158, H. R. file, a bill to repeal a part of an act allowing and regulating writs of attachment.

No. 159, H. R. file, A bill to locate the seat of justice in and for the county of Jones.



No. 169, H. R. file, A bill fixing the time when the acts of the session of 1839—40, shall take effect.

No. 40, C. F. A bill to abolish imprisonment for debt.

No. 41, C. F. A bill to provide for the settlement of the claim that Des Moines county, has upon Lee, Van Buren, Henry county, &c.

No 46. C. F. A bill relating to auctioneers and auction sales.

No 47, C. F. A bill amendatory of an act regulating practice, &c.

Also, with an amendment,

No. 45, C. F. A bill to establish a ferry across the Mississippi river.

The House have disagreed to the amendment made by the Council to the amendment of the House, to

No. 9, C. F. A memorial to Congress for an appropriation for the purpose of paying off the militia of this Territory.

The House have agreed to all the amendments of the Council to

No. 13, H. R. file, A bill to amend an act entitled an act fixing the terms of the Supreme and District courts, and for other purposes, except that with regard to Lee county, in the first district. The striking out of the word "Scott," in the second section, and the striking out of the third section to which the House have disagreed.

The House have passed

No. 37, C. F. A bill relative to evidence.

No. 170, H. R. file, A bill to amend an act entitled an act fixing the terms of the Supreme and District courts, and for other purposes.

The House have disagreed to the amendment made by the Council to the 1st section of

No. 155, H. R. file, and have agreed to all the other amendments to said bill.

The House have passed

No. 164, H. R. file, A memorial to the Post Master General.

No. 167, H. R. file, Resolution relative to publishing the laws of the present session of a general nature, in certain newspapers.

No. 168, H. R. file, A bill amendatory to an act subjecting real and personal estate to execution.

No. 38, C. F. A bill relative to divorce, alimony, and for other purposes.

No. 162, H. R. file, A bill to alter and amend an act subjecting real and personal estate to execution.

The House insist on their amendment to the 9th section of No. 34, C. F. a bill to repeal the acts therein mentioned.

I herewith present for your signature

An act to provide for the compensation of printers, members, officers, &c. of the Legislative Assembly.

An Act to establish a system of common Schools.

An act to remove and re-locate the county seat of Lee county.

A memorial to congress for an appropriation for a road from Keokuk via West Point to Mount Pleasant.

An act to authorise William Ingersoll to build a dam across Skunk River, in Jefferson county.

An act amendatory of an act subjecting real and personal estate to execution, approved January 25, 1839.



An act for the relief of certain administrators.

An act to amend an act relative to mechanics' liens, and for other purposes, approved December 17, 1838.

An act to establish a university at the town of Mount Pleasant, in Henry county.

An act relative to habeas corpus.

An act defining the duties of supervisors of roads and highways.

All of which have been signed by the speaker of the House of Representatives.

The president of the Council then signed said bills, &c. and Mr Fales then withdrew.

C. F. No. 45, "A bill to establish a ferry across the Mississippi river," being under consideration as returned from the House with one amendment,

On motion of Mr Lewis,

The Council concurred in said amendment.

C. F. No. 9, "A memorial to Congress for an appropriation to defray expenses incurred in the difficulty with Missouri," having been returned from the House with their disagreement to the amendment made by the Council to the amendment of the House, and being again under consideration.

On motion of Mr Parker,

The Council insisted on their amendment.

H. R. file, No. 13, "A bill to amend an act fixing the terms of the Supreme and District courts, &c." having been returned with the disagreement of the House of Representatives to three of the amendments of the Council, and being under consideration,

On motion of Mr Browne,

The Council insisted on their first amendment.

On motion of Mr Parker,

The Council insisted on their second amendment.

On motion of Mr Parker,

The Council receded from their third amendment.

H. R. file, No. 155, "A bill to restrict the commissioners in the expenditure of money in the erection of public buildings, &c." having been returned from the House of Representatives with their disagreement to the amendment made by the Council in the 1st section, being again under consideration,

Mr Clark moved that the Council insist upon their amendment and on this question the yeas and nays being required were as follows:

The ayes, were Messrs Browne, Clark, Hepner, Parker and Mr President, 5.

The nays, were Messrs Hughes, Inghram, Keith and Payne, 4.

So the Council insisted on their amendment.

H. R. file, No. 152, "A resolution for the appointment of a committee to examine the public buildings in Iowa," was read a first and second time, and

On motion of Mr Payne,

The resolution was indefinitely postponed.



H. R. file, No. 158, "A bill to repeal a part of an act allowing and regulating writs of attachment," was read a first and second time, and

On motion of Mr Payne,

Was indefinitely postponed.

Mr Parker, from the judiciary committee, to whom was referred "A resolution (C. F. No. 19,) relative to the sale of the laws, &c." reported a substitute. The report was concurred in, and the resolution (C. F. No. 22,) was read a first and second time.

On motion of Mr Payne,

The rule prohibiting the second and third reading of bills, &c. on the same day, was suspended, and the resolution was read a third time, and passed.

Mr Parker, from the same committee, to whom was referred H. R. file, No. 124, "A bill to punish trespass on school and other lands," reported the same with amendments. The report was concurred in, and the amendments were read a first and second time.

On motion of Mr Clark,

The rule prohibiting the second and third reading of bills, &c. on the same day was suspended, and the bill, as amended, was read a third time and passed, and title agreed to.

H. R. file, No. 169, "A bill fixing the time when the acts of the session of 1839-40 shall be in force," was read a first time, and

On motion of Mr Payne,

Was indefinitely postponed.

H. R. file, No. 164, "A memorial to the Postmaster General," was read a first and second time.

On motion of Mr Inghram,

The rule prohibiting the second and third reading of bills, &c. on the same day, was suspended, and the memorial was read a third time, and passed.

H. R. file, No. 159, "A bill to relocate the seat of justice in the county of Jones," was read a first and second time, and

On motion of Mr Parker,

Was referred to the judiciary committee.

H. R. file, No. 162, "A bill to alter and amend an act regulating real and personal estate to execution," was read a first and second time, and

On motion of Mr Clark,

Was referred to the committee on the judiciary.

H. R. file, No. 170, "A bill to amend an act fixing the terms of the Supreme and District courts, &c." was read a first and second time, and

On motion of Mr Parker,

Was laid on the table.

H. R. file, No. 167, "A resolution relative to publishing the laws of the present session in the newspapers," was read a first and second time.

Mr Clark moved that the resolution be amended by inserting "Hawkeye and Patriot" after "Iowa Sun," which was agreed to by yeas and nays as follows:

Ayes, Messrs Browne, Clark, Hepner, Hughes, Inghram, Keith, Parker and Mr President, 8.

Mr Payne voted in the negative.



On motion of Mr Parker,

The rule prohibiting the second and third reading of bills, &c. on the same day was suspended, and the resolution was read a third time, and passed.

H. R. file, No. 168, "An act amendatory to an act to subject real and personal estate to execution, &c." was read a first time.

Mr Parker moved to indefinitely postpone the bill, which was lost, and the bill was read a second time, and

On motion of Mr Browne,

Was referred to the judiciary committee, with instructions to report tomorrow morning.

Mr Payne moved to take the resolution from the table relative to the President's message, &c. which was lost by yeas and nays, as follow :

Ayes, Messrs Hughes, Parker, Payne and Mr President, 4.

Nays, Messrs Browne, Clark, Hepner, Inghram and Keith, 5.

C. F. No. 34, "A bill to repeal the acts therein mentioned," having been returned from the House of Representatives, insisting on their disagreeing vote to the amendment of the Council,

Mr Clark moved that the Council recede from their amendment, which was lost by yeas and nays, as follows :

Ayes, Messrs Clark, Hughes, Keith, Lewis and Mr President, 5.

Nays, Messrs Browne, Hepner, Inghram, Parker and Payne, 5.

Mr Payne moved that the Council insist on their amendment, which was lost by yeas and nays, as follows :

Ayes, Messrs Browne, Hepner, Inghram, Parker and Payne, 5.

Nays, Messrs Clark, Hughes, Keith, Lewis, Whittlesey and Mr President, 6.

Mr Whittlesey, from a joint committee on enrollments, presented the following from his Excellency, the Governor :

EXECUTIVE DEPARTMENT, }  
Burlington, I. T. Jan. 16, 1840. }

Received from Charles Whittlesey for my consideration and approval, C. F. No. 30, An act relative to the authentication of statutes without the approval of the Governor, and for other purposes; No. 17, Joint Resolution requesting our delegate to Congress to obtain the passage of a law relative to the election of Governor of this Territory by the people; No. 17, A memorial to Congress for an appropriation for a military road from Fort Madison to a contemplated military post on the Des Moines river; No. 4, An act to prevent frauds; No. 18, Resolution relative to pay for carrying extra mail.

An act for the relief of certain administrators.

An act to amend an act relating to mechanics liens and for other purposes, approved Dec. 17, 1838.

An act for the relief of the poor.

Preamble and memorial to Congress requesting the donation of the sections of land contiguous to the section donated as a location for the seat of government in this Territory.

An act relative to habeas corpus.

An act to provide for the election of Delegate to Congress, Judges of



Probate, Sheriffs, County Surveyor, and to amend an act regulating general elections in this Territory.

An act to establish a University at the town of Mount Pleasant in Henry county.

An act to authorise Wm. Ingersoll to build a dam across Skunk river, in Jefferson County.

Memorial to Congress on the subject of a public armory in the Territory of Iowa.

An act to regulate the admission of attorneys.

An act amendatory to an act subjecting real and personal estate to execution, approved Jan. 25, 1839.

#### ROBERT LUCAS.

Mr Parker moved that the Council adjourn, which was decided in the negative by yeas and nays, as follows:

Ayes, Messrs Browne, Inghram, Lewis and Parker, 4.

Nays, Messrs Clark, Hepner, Hughes, Keith, Payne, Whittlesey and Mr President, 7.

Mr Clark moved that the Council recede from their disagreeing vote to the amendment of the House of Representatives to C. F. No. 34.

Mr Browne moved a call of the Council, which motion, he, on leave withdrew.

Mr Inghram moved that the Council adjourn, which was decided in negative by yeas and nays, as follows:

Ayes, Messrs Browne, Inghram, Lewis and Parker, 4.

Nays, Messrs Clark, Hepner, Hughes, Keith, Payne, Whittlesey and Mr President, 7.

Mr Parker moved a call of the Council, which was had. Upon calling the names of the members, it was found that Messrs Ralston and Swazey were absent. They were sent for.

Mr Whittlesey moved that the Council adjourn, which was decided in the affirmative by yeas and nays, as follows:

Ayes, Messrs Browne, Clark, Hepner, Lewis, Parker, Whittlesey and Mr President, 7.

Nays, Messrs Hughes, Inghram, Keith, Payne and Swazey, 5.

So the Council adjourned.

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Friday Morning, Jan. 17, 1840.

The Council met pursuant to adjournment.

Mr Parker, from the judiciary committee, to whom was referred H. R. file, No. 162, "A bill to alter and amend an act subjecting real and personal



estate to execution," reported the same, without amendment, and recommended that it be laid on the table.

The report was concurred in.

On motion of Mr Whittlesey,

Resolved, That Morgan Reno be allowed the sum of twenty dollars for his services in assisting the enrolling clerk, and that the Secretary of the Territory is hereby authorized to pay the same out of any funds in his possession, not otherwise appropriated.

On motion of Mr Inghram,

C. F. No. 34, "A bill to repeal the acts therein mentioned," was taken up, and

On motion of Mr Clark,

The Council adhered to their disagreeing vote to the amendment of the House of Representatives.

Mr Parker, from the judiciary committee, to whom was referred H. R. file, No. 159, "A bill to relocate the seat of justice in and for the county of Jones," reported the same with amendments, which amendments were concurred in, and after being read a first and second time.

On motion of Mr Whittlesey,

The rule prohibiting the second and third reading of bills, &c. on the same day was suspended, and the bill as amended was read a third time, and passed, and title agreed to.

Mr Parker, from the committee on the judiciary, to whom was referred H. R. file. No. 78, "A bill to amend an act for assessing and collecting county revenue," H. R. file, No. 106, "A bill for the relief of the sheriff of Lee county," and H. R. file, No. 102, "A bill to encourage the raising of sheep," reported the same without amendment, and recommended that they be indefinitely postponed. The report was concurred in.

Mr Parker, from the same committee, to whom was referred H. R. file, No. 46, "A bill making certificates of the purchase of public lands evidence of title," reported the same without amendment. The report was concurred in, and

On motion of Mr Lewis,

The bill was indefinitely postponed.

The chair announced a communication from his Excellency, the Governor, containing certain nominations, and

Said communication was ordered to be considered this afternoon.

The following message was received from the House of Representatives by Mr Fales, Chief Clerk:

Mr President: The House of Representatives insist upon their disagreeing vote on the first section of No. 155, H. R. file, and have appointed Messrs Walworth, Lefler and Rich, a committee of conference in relation thereto, with instructions.

Mr Fales then withdrew.

On motion of Mr Clark,

A committee of conference was appointed to act with the above committee, in relation to said bill.

The President appointed Messrs Clark, Browne and Lewis, said committee.



After a short time said committee, through their chairman, made the following report:

The committee of conference appointed on the part of the Council, to confer with a similar committee of the House of Representatives in relation to the disagreement of the two Houses on an amendment of the Council to the first section of bill No. 155, H. R. file, report

That they have had an interview with the committee of the House, and have agreed that the first section of said bill shall be so amended that the acting commissioner shall be restricted in his expenditures to the sum of fifty-one thousand dollars.

The report was concurred in.

On motion of Mr Lewis,

The Council adjourned until 2 o'clock, P. M.

## TWO O'CLOCK, P. M.

On motion of Mr Whittlesey,

The Council went into an executive session.

After some time the Council resumed its regular session.

The following message was received from the House of Representatives, by Mr Fales, Chief Clerk:

Mr President: The House of Representatives have passed No. 22, C. F. a resolution relative to the sale of the statute laws.

The House have receded from their amendment to the 9th section of No. 34, C. F. a bill to repeal the acts therein mentioned.

The House have also receded from their disagreement to the amendment of the Council to the amendment of the House to

C. F. No. 9, A memorial relative to an appropriation for paying off the militia.

The House insist on their disagreement to the first section of

No. 13, H. R. file, A bill to amend an act entitled an act fixing the terms of the supreme and district courts and for other purposes, and have appointed Messrs Leffler and Rich a committee of conference in relation thereto.

The House have passed,

No. 171, H. R. file, Joint resolutions approbating the views set forth in the late message of the president of the United States.

Also, with amendments,

No. 48, C. F. A bill to authorize the keeping of certain ferries therein named.

I herewith present for your signature

A resolution relative to publishing the laws of a general nature of the present session in certain newspapers.

Which resolution was signed by the President of the Council, and then Mr Fales withdrew.

H. R. file, No. 13, "A bill to amend an act fixing the supreme and district courts," having been returned from the House with their disagreement to the amendment of the Council insisted on, and being again under consideration,

On motion of Mr Hepner,



A committee of conference was appointed to act with a similar committee of the House in relation to said bill. Messrs Hepner and Parker were appointed said committee.

C. F. No. 48, "A bill to authorise the keeping of certain ferries therein named" having been returned from the House of Representatives with amendments, and being under consideration,

On motion of Mr Hepner,

The Council concurred in said amendments,

H. R. file, No. 171, "Joint resolutions approbating the views set forth in the late message of the president of the United States," was read a first and second time.

On motion of Mr Parker,

The rule prohibiting the second and third reading of bills, &c. on the same day, was suspended, which was agreed to by yeas and nays as follows:

Ayes Messrs Hepner, Inghram, Parker, and Mr President 4.

Nays, Messrs Lewis and Swazey, 2.

So the resolutions were read a third time.

Mr Lewis moved to lay the resolutions on the table.

Which was lost by yeas and nays as follows:

Ayes, Messrs Clark, Lewis, Swazey and Whittlesey, 4.

Nays, Messrs Hepner, Inghram, Parker, and Mr President, 4.

The question then recurred on the passage of the resolutions.

Mr Hepner moved a call of the Council, which was had, and the absent members, Messrs Browne, and Ralston were sent for (Messrs Keith, Hughes and Payne, having been excused,) Mr Browne having arrived,

On motion of Mr Lewis,

The further call of the Council was suspended.

Mr Lewis then moved that the resolutions be laid on the table until the second Monday of July next.

Mr Hepner moved a call of the Council which was had: Messrs Hughes, Keith, Payne and Ralston were among the absent. Mr Ralston having arrived,

On motion of Mr Lewis,

The further call of the Council was dispensed with.

The question was then taken on the motion to lay the resolutions on the table until the second Monday of July next, which was lost, by yeas and nays, as follows:

Ayes, Messrs Browne, Clark, Lewis, Swazey and Whittlesey, 5.

Nays, Messrs Hepner, Inghram, Parker, Ralston and Mr President, 5.

Mr Clark moved to lay said resolutions on the table until this evening, which was lost.

Mr Lewis moved that the vote be taken upon the resolutions separately, which was agreed to.

On the passage of the first resolution the vote stood as follows: (Messrs Lewis, Clark, Whittlesey and Browne being excused, at their request, from voting.)

Ayes, Messrs Hepner, Inghram, Parker, Ralston, Swazey and Mr President, 6.

Nays, none.



So the first resolution was adopted.

The question was then taken upon the second resolution (Messrs Clark, Browne and Whittlesey were excused from voting) which was also adopted by yeas and nays, as follows:

Ayes, Messrs Hepner, Inghram, Lewis, Parker and Mr President, 5.

Nays, Messrs Ralston and Swazey, 2.

The third and last resolution was also adopted, *viva voce*.

The following message was received from the House of Representatives, by Mr Fales, Chief Clerk:

Mr President: The House of Representatives have passed No. 172, H. R. file, A resolution relative to the safe keeping of the furniture belonging to the Legislative Assembly.

The House have appointed Messrs Summers and Leffler a committee of conference relative to the disagreeing vote of the two Houses on the 2nd section of No. 13, H. R. file.

I herewith present for your signature, An act amendatory of an act regulating practice.

An act appointing commissioners to review a Territorial road.

An act relating to auctioneers and auction sales.

An act to establish a ferry across the Mississippi river.

An act to provide for the settlement of the claim that Des Moines has upon Lee, Van Buren, &c.

An act to abolish imprisonment for debt.

An act relative to Divorce, Alimony and for other purposes.

A memorial to the Secretary of War on the subject of arms, &c.

An act for opening and regulating roads and highways.

An act to incorporate the city of Du Buque.

A memorial to the Post Master General.

An act to amend an act to provide for the erection of a Penitentiary, &c.

An act to lay out and establish a Territorial road from Wyoming to Iowa city.

An act allowing and confirming the compensation of printers, &c. of the last session.

A resolution relative to an appropriation to defray the expenses of the extra session of the Legislative Assembly.

A resolution relative to a post route.

An act to restrict the commissioners in the expenditure of money in the erection of the public buildings in Iowa city.

All of which have been signed by the Speaker of the House of Representatives.

Which said acts, &c. were then severally signed by the President of the Council, and Mr Fales withdrew.

H. R. file, No. — "Resolution relative to the safe keeping of the furniture, &c. belonging to the Legislative Assembly," was read a first and second time.

On motion of Mr Inghram,

The rule prohibiting the second and third reading of bills, &c. on the same day, was suspended, and the resolution was read a third time, and passed,

On motion of Mr Parker,



A committee of conference was appointed to act with a similar committee of the House in relation to No. 13, H. R. file, referred to in the last message from the House.

Messrs Parker and Lewis were appointed said committee.

The following message was received from the House of Representatives by Mr Fales, Chief Clerk:

Mr President: The House of Representatives, have passed

No. 173, H. R. file, A resolution relative to publishing a list of the acts of the present session.

No. 174, H. R. file, A bill to amend "an act fixing the terms of the Supreme and District courts, and for other purposes."

In which the concurrence of the Council is requested. Mr Fales then withdrew.

H. R. file, No. 173, "A resolution relative to publishing a list of the acts of the present session," was read a first and second time.

On motion of Mr Lewis,

The rule prohibiting the second and third reading of bills, &c. on the same day, was suspended, and the resolution was read a third time and passed.

H. R. file, No. 174, "A bill to amend an act fixing the terms of the Supreme and District courts, and for other purposes,"

Was read a first and second time.

On motion of Mr Clark,

The rule prohibiting the second and third reading of bills, &c. on the same day, was suspended, and the bill was read a third time and passed, and title agreed to.

Mr Parker from the judiciary committee to whom was referred the petition of Joseph N. Green, for a divorce from his wife Amanda M. Green, have had the same under consideration, and beg leave to report briefly, that in their opinion, it is inexpedient and improper for the Legislature to grant divorces, in cases where relief can be afforded by the courts of law and equity, and that in the opinion of your committee, the case referred to them is not an exception, and they therefore recommend that leave be granted the petitioner to withdraw his petition.

The report was concurred in.

On motion of Mr Inghram,

Messrs Hepner and Clark were appointed a committee to act with a similar committee of the House of Representatives, to wait on his Excellency, the Governor, for the purpose of informing him that the Legislative Assembly had no further business before them, and that both branches were now ready to adjourn, *sine die*.

On motion of Mr Lewis,

The Council adjourned, until 7 o'clock, P. M.

### 7 O'CLOCK, P. M.

The following message was received from the House of Representatives by Mr Fales, Chief Clerk:

Mr President: I herewith present for your signature

An act to punish for trespass on school and other lands.



An act to amend an act fixing the terms of the Supreme and District Courts, and for other purposes.

A resolution relative to publishing a list of the acts of the present session.

Resolutions approbating the views set forth in the late message of the President of the United States.

A resolution relative to the safe keeping of the furniture belonging to the Legislative Assembly.

An act to locate the county seat of Jones.

All of which have been signed by the Speaker of the House of Representatives.

Said acts, &c. were then severally signed by the President of the Council, and Mr Fales withdrew.

Mr Whittlesey, from the joint committee on enrollments, reported the following:

EXECUTIVE DEPARTMENT, }  
Burlington, Jan. 17, 1840. }

Received from Charles Whittlesey, member of the Legislative Council, for my approval and signature, the following acts:

C. F. No. 10, memorial to the Secretary of war.

“ No. 38, An act relative to divorces and other purposes.

“ No. 47, An act amendatory to an act regulating practice.

“ No. 46, An act relating to auctioneers and auction sales.

“ No. 32, An act appointing commissioners to review a Territorial road.

C. F. No. 41, An act to provide for the settlement of the claims that Des Moines has upon the counties of Lee, &c.

C. F. No. 40, An act to abolish imprisonment for debt.

“ No. 45, An act to establish a ferry across the Mississippi river.

ROBERT LUCAS.

Mr Whittlesey also reported that the joint committee on enrollments, have examined and found correctly enrolled C. F. No. 9, Memorial to the Hon. the Senate and House of Representatives of the United States, in Congress assembled, C. F. No. 34, An act to repeal the acts therein mentioned, C. F. No. 22, Joint resolution relative to the sale of Statute Laws, also C. F. No. 48, An act to authorize the keeping of certain ferries therein named.

Resolution relative to publishing laws of a general nature.

An act to restrict the commissioners of Iowa city.

An act to lay out and establish a road from Wyoming to Iowa city.

Resolution relative to an appropriation to defray the expenses of the extra session.

Memorial to the Post Master General.

Joint resolution relative to a post route.

An act to incorporate the city of Du Buque.

An act opening and regulating roads and highways.

An act to amend an act providing for the erection of a penitentiary.

An act allowing and confirming the compensation of printers of the last Legislative Assembly and for other purposes.



C. F. No. 48, An act to authorize the keeping of certain ferries therein named.

C. F. No. 22, Joint resolution relative to the sale of the Statute Laws.

C. F. No. 34, An act to repeal the acts therein mentioned.

C. F. No. 9, Memorial to Congress.

Mr Hepner, from the committee appointed to wait on his Excellency, &c. have performed the duty assigned them, and report that we are informed by his Excellency that he has no further communications to make.

Messrs Hall, Churchman and Myers, a committee from the House of Representatives, were announced, who informed the Council that the House was now in readiness to adjourn, *sine die*.

On motion of Mr Clark,

Resolved, That the assistant Secretary of the Council be required to assist the Secretary in arranging the papers, &c. of the Council after the adjournment, and that he be allowed five dollars per day, for six additional days service, and that the Secretary of the Territory is hereby authorized to pay the same out of any money not otherwise appropriated.

On motion of Mr Inghram,

Messrs Parker, Clark, and Lewis, were appointed a committee to inform the House, that the Council are now ready to adjourn, *sine die*.

On motion of Mr Parker,

Resolved, That the Council tender their thanks to Benjamin F. Wallace and John Newton Hetzel, for the correct, active, industrious and efficient manner in which they have discharged the duties of secretary and assistant secretary of the Council.

On motion of Mr Inghram,

Resolved, That the Council tender their thanks to the clerks, serjeant-at-arms, door-keepers, messengers, and fireman, for the prompt and efficient manner in which they have discharged their duties.

On motion of Mr Inghram,

Resolved, That the Council tender their thanks to Stephen Hempstead, for the prompt, impartial and efficient manner in which he has presided over the Council, during the present session.

The President of the Council, then rose and addressed the Council as follows:

#### GENTLEMEN OF THE COUNCIL:

Indulge me for a few moments, that I may, before we separate, express to each of you, my grateful feelings for the distinguished favors which you have so generously bestowed upon me, as a member of this honorable body. The present occasion, is, probably, the only one I shall ever have, to offer you, as the assembled representatives of the people of Iowa Territory, my warmest acknowledgement for friendship which I may not have merited, and for kindness which I shall never forget.

At the commencement of the present session of the Council, I was chosen to preside over your deliberations, the duties of which station, I have attempted to discharge on every occasion, in an impartial manner, and so to conduct myself towards each of you, that at the present hour you could extend to me a friendly hand without a thought of reluctance or an unkind wish. Gentlemen, have I so discharged my duty? If I have ever



been so unfortunate as to injure the feelings of any member of this Council, let him forget it when I declare that such was far from my intention, and if I have committed errors, or overstepped parliamentary rules, let me say that it should not be a matter of surprise, to those more experienced than myself in legislation.

Much important business has been transacted during our present session, notwithstanding the interruption occasioned by the hostile attitude of a neighboring state, and even that event has been serviceable in showing to the world that the people of Iowa would defend, if necessary, with their lives, what they believe to be right; and resist to the last, what is wrong. When I saw her infant hands raised to maintain the laws of the United States, and for the protection of her citizens and their property, I could not but feel proud that I had been honored with a seat in her councils—yes, gentlemen, that I stood in this hall as one of the humble representatives of a people, whose firmness and independence, would, in the hour of danger, constitute a living rampart around the laws and constitution of the land.

Gentlemen, our duties as members of the Legislative Assembly of Iowa Territory, will soon cease—the distinguished trust which we now hold, must soon revert to the people, and when I glance at the past proceedings of this body, I am induced to believe that we can, each, return that trust into their hands unsullied and free from dishonor. And here it may not be improper for me to remark, that you commenced your legislative duties under no ordinary circumstances. The Territory of Iowa had just sprung into existence, and it was expected by her citizens that their representatives would call into action their judgment, energy and talents, to frame wholesome laws for the safe-guard of justice and the advancement of the public good. In the discharge of this duty, you were compelled to encounter obstacles unforeseen and unexpected. Many of your legislative acts were annihilated by a power not often exercised in a republican government, and which caused the first Legislative Assembly of this Territory to remonstrate; the good effect of that remonstrance in procuring the amendment of the organic law, so as to limit that power within proper bounds, has produced much harmony and good feeling during the present winter.

Gentlemen, in after years, when the sovereign State of Iowa shall stand as a proud column, to support the American Union, when her thousands of chivalrous and patriotic citizens will constitute the strength and pride of a free government, then if any of you should remain upon the theatre of life, you will reflect with pleasure, that you had contributed in some degree to advance her interest while an infant Territory; and whatever situations you may occupy hereafter, whether as public officers or American citizens, I am confident that under all circumstances you will ever be found maintaining the true interests and liberty of your country, and promoting by every means in your power, her welfare and honor.

Gentlemen, pardon me for detaining you on this occasion. I know that many of you are anxious to return to your families and homes, where the turmoil of political life will soon be forgotten in domestic happiness; and where, even if all the world should prove cold or unkind, you would find a refuge and a cordial welcome. With these remarks and



my warmest wishes for your welfare, and the richest blessings of Providence upon each member and officer of this body, I now bid you farewell.

And then

On motion of Mr Inghram,  
The Council adjourned, *sine die*.



# APPENDIX.

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[A]

## GOVERNOR'S MESSAGE.

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GENTLEMEN OF THE COUNCIL AND

HOUSE OF REPRESENTATIVES:

It becomes my duty, as Executive, to submit to you a statement of the affairs of the Government, and to recommend to your consideration, such measures as are deemed advisable, in perfecting the internal organization of the Territory; and such other measures as are best calculated to advance the interest, promote the prosperity, and secure the happiness of the people.

It is with the most heartfelt gratitude to ALMIGHTY GOD, whose superintending care has extended over us, and sustained us through various vicissitudes for the last year, that I am, through his *special Providence*, permitted again to address the Legislative Assembly of a Territory, that has advanced, since its organization, in improvement, population and wealth, beyond a parallel of all former history. With a genial and healthful climate—a soil unsurpassed for fertility—abounding with pure water, navigable rivers and inexhaustible mineral resources—containing a population that may safely, at this time, be estimated at upwards of fifty thousand inhabitants, and which will in all probability be doubled by the time the census of the United States is taken in eighteen hundred and forty—with this glowing prospect before us, we have great cause of gratitude to the author of all good for the peculiar manifestation of His favor and blessings, conferred upon us as a political community, as well as a people collectively and individually.

When we consider the rapidly increasing population, and advancing prosperity of the Territory, we may, in my opinion, with propriety proceed to measures preparatory to the formation of a Constitution and State Government, and for our admission into the Union as an independent State. I know it is the opinion of some, that such measures would be premature at this time, inasmuch as our expenses are defrayed by the United States. This consideration is entitled to weight; but when we consider the imperfect organization of the Territorial Government, and the consequent embarrassment in the administration of its internal affairs—and by referring to past history, compare the condition of the inhabitants of Ohio, Indiana, Illinois and Michigan, while under a Territorial



Government, to their subsequent prosperity after their admission into the Union as independent States, the preponderance is much in favor of a State Government—for the prosperity and improvement within each of the aforesaid States languished while Territories, but advanced with rapid strides from the moment of their several admissions into the Union as independent States. With these facts before us, I would earnestly recommend to the Legislative Assembly the early passage of a memorial to Congress, respectfully asking of that body the passage of an Act, at their ensuing session, granting to the inhabitants of Iowa Territory, the right to form a Constitution and State Government, and to provide for their admission into the Union upon an equal footing with the original States.

In recommending this subject to the consideration of the Legislative Assembly, I respectfully suggest the following as the most natural and suitable boundaries for our State, to wit: beginning in the middle of the main channel of the Mississippi river at a point east of the middle of the main channel of the Des Moines river where it empties into the Mississippi river; thence up the Mississippi river, following the middle of the main channel of the same to the mouth of the St. Peters river; thence up the St. Peters river following the middle of the main channel of the same to the mouth of Blue Earth river; thence up the Blue Earth river, following the middle of the main channel of the same to the most westerly source of said river; thence on a direct line to the source of Cactus river, an east branch of Calumet or Sioux river; thence down said river, following the middle of the main channel thereof to the middle of the main channel of the Missouri river; thence down the Missouri river following the middle of the main channel thereof to a point west of the line that may be established by Congress under the act approved June 18th, 1838, entitled, "An Act to authorize the President of the United States to cause the southern boundary line of the Territory of Iowa to be ascertained and marked;" thence east with said line to the middle of the main channel in the Des Moines river; thence downward along the middle of the main channel of the Des Moines river to the place of beginning.

The foregoing, appears by a reference to the geographical position of the country to be the most natural boundaries for our state. It embraces the head-waters of all our principal rivers, extends from the Mississippi river to the Missouri river, and will leave the northern portion of the Territory as now bounded in a suitable situation for the future formation of two additional states, each extending from the Mississippi to the Missouri river.

I would also recommend the passage of a law to provide for the calling a convention to form a state constitution, so soon as Congress may grant by law the privilege to do so.

Congress, at their last session, made two important amendments to the organic law of the Territory, both of which were approved the 3d of March, 1839. The first, entitled "An Act to alter and amend the organic law of the Territories of Wisconsin and Iowa, declares, that every bill which shall have passed the Council and House of Representatives of the Territories of Iowa and Wisconsin, shall, before it becomes a law, be presented to the Governor of the Territory, if he approves of it, he shall sign it, but if not, he shall return it with his objections to the House in which



it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it; if after such reconsideration, two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections to the other House, by which it shall likewise be reconsidered, and if approved by two-thirds of that House, it shall become a law. But in all such cases, the votes of both Houses shall be determined by yeas and nays; and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the Governor within three days (Sunday excepted) after it shall have been presented to him, the same shall become a law in like manner as if he had signed it, unless the Assembly by adjournment prevent its return, in which case it shall not be a law."

The foregoing is a salutary amendment to the original organic law, and is truly gratifying to the executive. It defines the powers and duties of the executive, when those duties stand connected with the Legislative Assembly, relieves him from much legislative responsibility, and places it where all legislative responsibility should ever rest, with the immediate representatives of the people. In the original law all the responsibility was thrown upon the executive. No law could take effect without his approval, and there was no provision made for are consideration by the Legislative Assembly when the executive differed with them in opinion. This amendment will doubtless tend to harmonize the proceedings between the Legislative Assembly and the Executive, and lead to a more convenient despatch of business.

The second is "An act entitled an act to authorise the election or appointment of certain officers in the Territory of Iowa, and for other purposes." This act prescribes "that the legislative assembly of the Territory of Iowa shall be, and are hereby authorized, to provide by law for the election of Sheriffs, Judges of Probate, Justices of the Peace, and County Surveyors within said Territory, in such way or manner, and at such times and places as to them may seem proper; and after a law shall have been passed by the Legislative Assembly for that purpose, all elections or appointments of the above named officers, thereafter to be had or made, shall be in pursuance of such law."

The foregoing section vests in the Legislative Assembly, the right to provide by law for the election of the aforesaid officers. This, no doubt, will be a pleasant duty to perform, as it is in strict accordance with the spirit of our institutions. Our government is a government of public sentiment, and I have ever been of the opinion, that the only safe depository of power is with the people. They are the only legitimate sovereigns of the land, and with them should be vested the power of electing all public functionaries from the highest to the lowest degrees. This has ever been my sentiment, and I take pleasure in urging upon the consideration of the legislative assembly, on the present occasion, the passage of a law to provide for the election, by the people, not only the officers above mentioned, but all others within the Territory that are not expressly prohibited by the organic law.

I will again call your attention to the importance of providing by law for the organization of townships. Such an organization was doubtless contemplated by Congress, when they declared in the organic law, that all



township officers should be elected by the people. The organization of townships are so intimately connected with every well regulated system of common schools, as well as that of public roads, that neither system can be conveniently carried out in detail, without such organization. Further, it has been proven by experience, that the ordinary local business of the country can be done with much more convenience and less expensive to the people, where the township system has been adopted, than in communities where it has been dispensed with. I, therefore, earnestly press upon your consideration, the importance of passing a law the present session, to provide for the civil organization of townships, and that provision be made for the election by the people, of a competent number of Justices of the Peace, in such organized townships, as well as other township officers.

The subject of a well digested system of common schools, is one of as great importance as can possibly be pressed upon legislative consideration. The act passed at the last session, is too limited in its provisions to serve as a foundation for a well regulated system. I would therefore, recommend its revision, and call your attention to the school law of the State of Michigan, as worthy of your attention, and from which much useful information may be obtained.

The resolution of the last session of the Legislative Assembly on the subject of printing the laws and journals, approved November 27, 1838, reads as follows, to wit:

*“Resolved.* That Messrs Clarke & M’Kenny, publishers of the Territorial Gazette, in this city, be employed to publish the Journal of the proceedings of the House of Representatives, in pamphlet form, and that they be paid the same prices as are paid to the printers of Congress for such work; and that Russell and Reeves of Dubuque, be employed to print the laws passed at the present session on the same terms, and that said Russell and Reeves, be required to enter into bonds, with good and sufficient security, to the Secretary of the Territory, in the sum of five thousand dollars, to have the same ready for delivery on the first day of May, A. D. 1839.”

The act regulating the publication of the Laws and Journals of the Legislative Assembly of the Territory of Iowa, approved January 21, 1839, (see page 321,) points out the manner in which the laws shall be printed, bound and distributed.

The 4th section declares, that “It shall be the duty of the Secretary of the Territory to superintend the printing, in such manner as he may conceive most conducive to the public good, the Acts and Joint Resolutions of the Legislative Assembly, and to correct the same by the enrolled bills in his office; and when the printing of the same shall be finished, to certify the fact, of his having compared and found the same correct, which certificate shall be signed and dated by the Secretary, and annexed in print to the volumes of the Acts and Joint Resolutions as aforesaid.”

The 10th section of said act declares, that “the Secretary of the Territory be and he is hereby required to furnish the public printer with a copy of all the acts of Congress now in force relative to the naturalization of aliens, as soon as practicable, and that it shall be the duty of the printer



foresaid, to publish the same, as an appendix with the statutes of a public nature, of the present Legislative Assembly."

The manner in which the obligation in the aforesaid resolution has been fulfilled, and the duty specified in the Act relative to publishing the Laws, has been performed, will be manifested by a reference to the time the laws were ready for delivery, and by an examination into the correctness and contents of the volume published. The obligation in the resolution required the laws to be ready for delivery on the first day of May last. They have just been received at this city, within a few days of six months after the time specified in the obligation. On examining the printed volume, delivered to me by the Secretary of the Territory, I find it contains his official certificate, dated the 23d of July, A. D. 1839, (nearly three months after the time the laws should have been ready for delivery) certifying that he had compared the pages with the "engrossed bills" deposited in his office, and that they contained true and correct copies. (The Secretary, I suppose meant the enrolled bills, as no "engrossed bills" are ever filed in the Secretary's office as laws.) In this certificate the Secretary has been in error in one particular at least; for, in the first section of the act providing for and regulating general elections, in the Territory, I discover a very important interpolation in the printed copy, that changes materially the meaning of the law. The original enrolled bill signed by the presiding officers of both branches of the Legislative Assembly, approved by the Executive, and deposited in the Secretary's office, in the clause relating to the election of Delegate to Congress, reads as follows: "An election for Delegate to Congress, for members of the council, and county recorder, shall take place on the first Monday in August next—and forty, and on the same day in every second year thereafter." The printed copy is made to read "An election for Delegate to Congress, for members to the council, and county Recorder, shall take place on the first Monday of August, *Eighteen hundred* and forty, and on the same day in every second year thereafter." Thus we find the word "*next*" where it occurs after the word "*August*" in the original enrolled bill omitted, and the words "*Eighteen hundred*" that are not in the original roll interpolated in the printed copy. I have also examined the appendix with care, and find under the head *Naturalization of aliens* An act of Congress entitled "an Act to amend an Act concerning Naturalization," approved 24th May, 1828, printed which is the only act on this subject that I could find in the volume. The acts of the Legislative Assembly require the publication, in an appendix to the laws of the Territory, all acts of Congress now in force, relative to the naturalization of aliens, which would have included a general law on that subject, approved 14th April 1802, an additional act approved 26th of March 1804, an act regulating seamen, &c. approved 3d of March 1813, an act supplementary to acts heretofore passed, &c. approved July 30th 1813, an act relative to evidence in case of naturalization, approved May 29th, 1824, all of which acts are in force and should have preceded the act published in the appendix.

I have considered it my duty to call the attention of the Legislative Assembly to the foregoing facts. The immense injury that has been sustained by the people of the Territory for want of the laws at the proper time, must present itself forcibly upon the consideration of their Representa-



tives, and calls loudly for Legislative interference, to secure a prompt publication of the laws in future. I would therefore suggest to the consideration of the Legislative Assembly, the propriety of creating, by law, the office of Public Printer, and to define his duties, and fix his compensation by law—holding him responsible, under heavy penalties, to have all public printing done promptly at the time provided by law.

The appropriation made by Congress for the purchase of a Territorial Library has been expended, and the books received. The Legislative Assembly having failed, at the last session, to pass a law to regulate the Library, the Executive procured a room, had it fitted up as a library room, with cases for the books, in which they are now placed, and under the care of Charles Weston, Esq. who was, on the 18th of October last, appointed Librarian pro tem. This course was thought advisable by the Executive, so that the members of the Legislative Assembly might have the benefit of the Library at the commencement of the session. There being no provision made by law for paying the rent of the library room, and other incidental expenses connected therewith, Mr John S. David, the proprietor of the building, agreed to fit up the room, and wait the pleasure of the Legislature to make him such an allowance as they might deem reasonable.

I would respectfully recommend to the Legislative Assembly the early passage of a law to regulate the Territorial Library—to provide for the appointment of Librarian—fix his compensation, define his duties, and provide for the payment of other necessary expenses of the Library. I think it also would be of great importance to provide for a gradual increase of the Library, by a small annual appropriation, to be expended by the Librarian in subscription to important periodical works, and the purchase of such other books as might be deemed most useful to the Territory, and diffuse the greatest degree of useful knowledge among the people. A catalogue of the books and maps in the library will be submitted to the consideration of the Legislative Assembly by the Librarian as soon as it can be conveniently made out.

The directors appointed under the provisions of the act, “to provide for the erection of a Penitentiary, and establish and regulate prison discipline for the same,” organized their board, and reported to me, on the 29th of April last, that they had procured a site for the Penitentiary in accordance with the provisions of said act, and desired that I would make a requisition on the Treasury of the United States for the sum appropriated by Congress for the erection of public buildings in the Territory of Iowa, in their act of the 7th of July, 1838.

In compliance with the request of the directors, I transmitted to the Secretary of the Treasury of the United States, on the same day, a copy of the act of the Legislative Assembly, and called his attention particularly to the 5th section, which required the Governor to draw the appropriation, and pay it over to the Superintendent of the Penitentiary. I also in my letter, called the attention of the Secretary of the Treasury to the appropriation made in the organic law for erecting public buildings at the seat of government, and explained to him the reason why the two appropriations would be drawn for under different legislative acts; and in conclusion, requested him to give me the views of the Department on the



subject." On the 20th of May, the Secretary of the Treasury acknowledged the receipt of my letter of the 29th of April, and its enclosures. He referred me, in reply, to an act of Congress, approved 31st of January, 1828, and informed me that the money could not be advanced, except as the service was performed, and articles delivered, unless the President was applied to, and reasons stated, which satisfies him to advance as much as would be wanted for the next thirty or sixty days. A copy of this letter was furnished to the directors of the Penitentiary, and also to the commissioners appointed to superintend the public buildings at the seat of Government. On the 9th of September, the Superintendent presented a bill of the work done at the Penitentiary amounting to \$2077,00; also an estimate for the funds wanting for the ensuing sixty days, amounting to \$3,800,00, with a certificate of approval, endorsed by the directors. These estimates, together with a petition directed to the president of the United States by the directors, was transmitted by me to the Secretary of the Treasury of the United States, on the 14th of September last, requesting him to transmit to Amos Ladd, the Superintendent, a check either on the Receiver of Public Moneys at this place, or the State Bank of Missouri, for the sum of \$5,877,00—the amount required by the directors. The check, I understand, has been received recently by Mr Ladd, on the Bank of Missouri. Subsequent to forwarding the aforesaid estimates and requisition, I received a letter from the Secretary of the Treasury of the United States, dated the 9th of September, 1839, in which he informs me that since the receipt of my communication of the 29th of April last, on the subject of the appropriation to defray the expenses of erecting public buildings in the Territory of Iowa, the Comptroller had reported, in answer to a call from the Department, in a similar case, that the appropriation must be considered as a grant, and an account can be stated in favor of the Treasurer of the Territory, as my assignee for such parts of the whole as I may require; and that on receiving from me a requisition in his favor, stating the amount that may be required to meet the liabilities of the Territory on account of the erection of public buildings, within thirty days subsequent to the date of my requisition, it would be referred to the accounting officer for settlement in conformity with the Comptroller's decision, and so hereafter when further sums may be needed."

I have submitted the subject in detail, and request that you would give it your serious attention, and that provisions may be made by law to authorise the Treasurer of the Territory to receive from the Treasurer of the United States, and to pay over all moneys appropriated by Congress for the erection of public buildings in the Territory, in accordance with the views of the Comptroller of the Treasury of the United States.

While on this subject, I will call the attention of the Legislative Assembly, in an explicit manner, to the importance of providing, by law, for the transmission to the penitentiary, of all prisoners that may be sentenced to imprisonment within any part of the territory, for a violation of our criminal laws. It would be attended with but little expense to prepare a temporary prison to secure the convicts at night; and by surrounding the works with pickets, with the attention of a few guards they might be kept safely at work through the day, and shut up in the prison at night. Thus



they might be made to erect a prison for themselves, and relieve the Territory from considerable expense.

By the 4th section of the act supplementary to an act to locate the seat of government of the Territory of Iowa, and for other purposes, approved 21st of January, 1839, it was made the duty of the Governor to apply to Congress, for a donation of, or a pre-emption to, four sections of land, on which to locate the seat of Government of the Territory of Iowa. In discharge of this duty, the Governor did, on the 24th of January, within four days after the passage of the bill, transmit a memorial to the Senate and House of Representatives of the United States of America in Congress assembled, together with a copy of the original and supplementary acts to locate the seat of Government of the Territory of Iowa. The memorial first asked Congress permission to locate the seat of Government of the Territory upon the land of the United States, in the county of Johnson, and within the late purchase made by the United States from the Sac and Fox Indians. Second—that they would grant unto the Territory a donation of four sections of land upon which to locate the said seat of Government, or if they should not deem it expedient to grant the land as a donation, that they would secure to the Territory a pre-emption right to four sections of land at the place that might be selected for the seat of Government, and that a title to the same might be perfected on payment being made, in such manner as Congress might deem expedient. A copy of the memorial and acts of the Legislature, was transmitted to the President of the Senate, and Speaker of the House of Representatives in Congress, together with a request that they might be laid before their respective Houses. We see, by the journal of Congress, that the memorial was received and referred to the respective committees on public lands, but no further action was had on them prior to the adjournment of Congress. We see among the acts of the last session of Congress, an act entitled “An act making a donation of land to the Territory of Iowa for the purpose of erecting public buildings thereon, approved 3d March 1839, in the following words: “That there be and hereby is appropriated and granted to the Territory of Iowa, one entire section of land, of any of the surveyed public lands in said Territory, for the purpose of erecting thereon, the public buildings for the use of the Executive and Legislative departments of the government of the said Territory: *Provided*, That the said section of land shall be selected under the authority of the Territorial Legislature, the seat of Government located thereon, and notice of said selection officially returned to the Register of the Land Office in the district in which the land is situated, within one year from the passing of this act: *And provided further*, That nothing herein contained shall authorise the selection of the sixteenth section in any township reserved for the use of schools, nor of any lot reserved for public purposes; and that in the selection to be made as aforesaid, no pre-existing improvement or right of pre-emption recognized by law, shall be prejudiced thereby.

“SEC. 2. *And be it further enacted*, That if, at the time of the selection of the section of land to be made as aforesaid, the contiguous sections thereto have not been made subject to public sale, or being so subject have not been sold, at public sale or private entry, then each and every section contiguous to said selected section and not so sold, shall be



thereafter reserved and withheld from sale in any manner, until the further order of Congress thereon. But nothing herein expressed shall be construed to restrain the said Territory of Iowa, after appropriating a sufficient quantity of land within said selected section for the site and accommodation of the said public buildings, from selling and disposing of the residue of said section in lots or otherwise for the use of said Territory, in the erection and completion of said building.

The act of Congress comes in direct conflict with the acts of the Legislative Assembly, and the memorial presented to Congress by their order. It confines the selection to surveyed public lands, when there were at the time of its passage but two townships of surveyed public land, within the county of Johnson—one lying between the line of Washington and Muscatine counties, and the other north of the same in the south east corner of the county, being entirely in the prairie, and had been offered for sale in the Du Buque land district, at the public land sales in November, 1838. The restrictions under which the selection is to be made, and the conditions connected with the grant are such as never can be acceded to without an entire disregard to the interests and prosperity of the Territory. First, the selection is confined to surveyed townships, when the memorial presented to Congress prayed for the grant to be within the late purchase of the Sac and Fox Indians.—Second—the section of land must be selected under the authority of the Territorial Legislature, the seat of government located thereon and notice of said selection officially returned to the Register of the Land office. Third—that when the official return is made to the Land Office, every contiguous section to the section selected as the seat of government becomes Congressional reservations, and ever thereafter is reserved from sale in any manner until the sale shall be ordered by a special act of Congress.

What would be the effect of the last condition? It would inevitably tend to check the improvement of the city and retard the prosperity of the inhabitants. The city would be surrounded on every side by Congressional reservations of a contiguous section, and must ever remain so, until a special act of Congress should provide for the disposal of these contiguous sections, which would probably not be for many years, and then upon terms that would check the improvement of the city. I am clearly of the opinion that the grant proposed under the aforesaid act of Congress ought not to be accepted by the Territory and that it would be better for the Territory to pay the government price for ten sections of land than to accept the donation of one section under such embarrassing conditions. I therefore recommend to the Legislative Assembly the passage of a memorial to Congress, calling their attention to the memorial that was forwarded by their direction to the late Congress, and requesting that a grant or pre-emption right may be secured to the Territory, for the land on which the seat of government is located, without any restrictive conditions, or Congressional reservation in the vicinity thereof.

The Commissioners appointed by the late Legislative Assembly, proceeded to locate the seat of government in the county of Johnson, (and I think very properly too) without regard to the act of Congress of the 3d of March last, and have made report of the proceedings to the Executive, in accordance with the provisions of the legislative acts of the Territory.



The section selected by them has been laid out into city lots, and on application of the acting commissioner, public sale of lots were by proclamation of the Executive ordered to be held on the 3d Monday of August, and on the first Monday in October last at which sale there was 203 in lots and 3 out lots sold for the aggregate sum of \$28,854 75. The lots sold cannot be estimated at more than one fourth in value of the whole city plat. A special report, it is expected, will be submitted to the Legislative Assembly by the commissioners.

I would suggest to the Legislative Assembly, the revision of the act establishing the seat of government, so as to define the manner of disbursing the funds appropriated by Congress in accordance with the views of the Secretary of the Treasury, as expressed in his letter to me of the 9th of September, heretofore referred to. Also to point out the mode of making deeds of conveyance to the purchasers of lots in Iowa city; Also to define more definitely the plan for the public buildings, and the manner of superintending their construction by an experienced architect.

The 10th section of the militia law states, that in order to secure uniformity in the organization, discipline and government of the militia of this Territory, it shall be the duty of the commander-in-chief, from time to time, to provide at the expense of the Territory, such books of instruction as are or may be, prescribed for the use of the army or militia of the United States, and to furnish each commissioned officer with a copy. This duty would have been performed with pleasure by the Commander-in-chief, had funds been placed under his control for the purchase of such books: but there being neither funds in the Territorial Treasury, nor any law by which they could be drawn therefrom, for the purpose aforesaid, I addressed a letter on the 9th of July last, to the Secretary of War, making inquiry whether such books could be furnished by the War Department. I also made inquiry respecting a supply of arms to the militia of the Territory, and the establishment of a depository of arms and munitions of war at some central point on the Mississippi river, within this Territory, for the use of the militia in case of need. To which letter I received a reply from the acting secretary of War, dated the 7th of August last, in substance as follows:

The acting Secretary of War, (S. Cooper) acknowledged the receipt of my letter of the 9th of July, enquiring whether there could be furnished by that department a number of Cooper's books of tactics and regulations sufficient for the instruction of the officers of the militia of Iowa, and on the subject of supplying arms, &c. to enable the citizens of the Territory to defend themselves against Indian depredations; and stated that the department at that time had no means at its disposal, that would enable it to furnish the work referred to; but that the matter would be submitted to the Secretary of War on his return to the seat of Government for his consideration. In respect to the arms, &c., the acting Secretary of War enclosed me a report from the officer in charge of the ordnance department, to whom was referred my letter of the 9th of July. This report states that "the communication of the Executive of the Territory of Iowa shows that arms and equipments may be required for the defence of the inhabitants against Indian hostilities at some future day. That the organization of



the militia is not yet completed, and consequently no return of the militia can have been made to the adjutant general of the army.

Issues of arms to the States and Territories, under the law of 1808, can be made only on the militia returns, which is indispensable in distributing the number due. In the absence of such returns, and that the Territory may have a resource in case of need, I would respectfully suggest that a suitable place be selected and a deposition of arms, accoutrements and ammunition be made, the whole to remain in the custody of the United States subject to the order of the Governor of the Territory, in certain contingencies to be specified. It appears to me, that any other disposition of public arms would lead to disappointment in case they were relied upon for our future service. Some central point on the Mississippi is named is a proper location for the depository of arms. Fort Armstrong and Prairie du Chien, would both be safe places, and are under the control of the government. My limited knowledge of that part of the country forbids the attempt to name at once a more suitable place."

The foregoing report was addressed to the Secretary of War, and dated 3d of August, 1839. It contains the views of the ordnance department on the subject of public arms: but I have received no further communications from the Secretary of War on the subject of the enquiries made of the department, in my letter of the 9th of August last.

The foregoing statements and correspondence is respectfully submitted for the information and consideration of the Legislative Assembly. It must convince them of the necessity of perfecting the organization of the militia of the Territory as speedily as practicable.

In pursuance of the militia law, the Territory has been divided into three divisions, six brigades and twelve regiments. The general and field officers have been appointed, and in all the regiments (except the regiment composed of the counties of Henry and Jefferson, from which no company officers have been reported,) company officers have been recommended and commissioned. Some of the regiments are organized entire, and others partially so; but no return of the numerical strength of the militia of any of the regiments have yet been received by the adjutant general. By reference to the report of the ordnance department, it will be seen that no arms can be drawn from the United States until our militia organization is completed, and the numerical strength reported to the adjutant general of the army of the United States. The tardiness in completing the organization of the militia may in a great measure be attributed to a want of a correct knowledge of the militia laws of the Territory. I therefore suggest the propriety of causing the militia laws of the last session of the Legislative Assembly, together with such parts of the Wisconsin laws as are still in force, to be printed in pamphlet form, and distributed among the militia officers of the Territory; and that additional provisions be made to cause prompt and full returns of the numerical strength of each regiment, to be transmitted to the adjutant general of the Territory, to be by him transmitted to the adjutant general of the United States, so that in apportioning the public arms under the act of 1808, the Territory of Iowa will receive her full portion of the same.

The attention of the Legislative Assembly is solicited to the subject of adopting a regular system of finance for the Territory. To effect this, it



will become necessary to create the office of Auditor of Public Accounts, whose duty it shall be to audit all claims against the Territory, and on whose warrant all moneys appropriated by law shall be drawn from the treasury of the Territory. By our present laws, the office of Territorial treasurer is created, but there is no law in force to define his duties, or to point out the manner in which public moneys are to be paid into the Territorial Treasury; or where money may be in the treasury how it may be drawn out of it.

The first section of the supplementary act to locate the seat of government declares that a sale of lots in the town at the seat of government, shall be held under the direction of the commissioners, the proceeds of which shall go into the Territorial treasury to be expended as may be hereafter directed by law.

I respectfully recommend the passage of a law regulating a system of finance within the Territory, in which the powers and duties of the treasurer may be defined. In which he would be required to receive and disburse all public funds belonging to the Territory, as well those appropriated by Congress for erecting public buildings, as the funds that may be collected under the Territorial laws. A well regulated system of finance would relieve the Territory from embarrassment in its fiscal operations, and would lead to economy in public disbursements, which is an object that should never be lost sight of, by all public functionaries.

The act of the last session, to prevent gambling, approved 25th of December, 1838, contains efficient provisions, and if faithfully executed must ultimately tend to check those pernicious practices within the Territory. But the demon of intemperance, appears to stalk through our land unmolested, and indeed fortified in many respects behind the license law of the country. The principle of raising a revenue from license to vend or retail intoxicating drinks, appears to me to partake much of the character of legalizing indulgences to commit crime. The vender of ardent or other intoxicating drinks, though it may be legalized by license, is, in my opinion, morally accountable for all the crimes and wretchedness produced by the use of such ardent spirits, or other intoxicating drinks vended by them, whether wholesale or retail. The philanthropist and statesman have of late years considered intemperance one of the greatest evils that pervade our land. It is considered the cause of more wretchedness, crime and death, than any other cause whatsoever, and many of the states have interposed the strong arm of the law to check its progress. But when we consider that our government and laws are under the control of public opinion, I have, after much reflection, been led to the conclusion that the most effectual mode to suppress this greatest of all evils (intemperance) would be to submit it entirely to the control of public opinion. I therefore seriously solicit the attention of the Legislative Assembly to the subject and recommend to their consideration the passage of a law repealing all laws now in force in the Territory, that authorize granting license to vend or retail ardent spirits, and to leave the subject entirely under the control of public opinion, holding the keepers of public houses and groceries accountable under heavy penalties for permitting drunkenness or disorder about their respective houses. This, in my opinion, would give a fatal check to the practice. The whole moral influence of the community



would in a short time be brought to bear upon it, and being without the support of legal license, would ultimately sink under the weight of public opinion. But should the foregoing recommendation be deemed inexpedient, I would suggest an alteration in the laws, so that no license to retail ardent spirits or other intoxicating drinks, should be granted by any authority in any county within the Territory of Iowa, unless a majority of the legal voters in such county, should vote in favor of granting such license at their respective annual elections. This principle has been adopted by some of the states, and has been spoken of as highly beneficial in its effects. It is in strict accordance with the spirit of our institutions, that a majority of the qualified voters in the respective counties should determine on questions of policy that are so intimately connected with their interests and future prosperity.

The foregoing suggestions are most respectfully submitted to your consideration, under a confident belief that you will give them the consideration that is due to the importance of the subject.

By the provision of the act of Congress, approved June 18, 1838, entitled "An act to authorise the President of the United States to cause the southern boundary line of the Territory of Iowa, to be ascertained and marked, "the President of the United States, was authorised to cause to be surveyed, ascertained and distinctly marked, the southern boundary of the Territory of Iowa west of the Mississippi river, which divides it from the State of Missouri; and that for that purpose he was authorised to appoint a Commissioner on the part of the United States, who should unite or act in conjunction with a Commissioner to be appointed by the Governor of Missouri, and a commissioner to be appointed by the Governor of the Territory of Iowa, in running, marking and ascertaining said boundary line; and it was made the duty of the Commissioner to be appointed by the President to make a full report of his proceedings in the premises to the Secretary of State of the United States. Under the provisions of said act, Albert M. Lee, Esq., was appointed a Commissioner on the part of the United States and Dr. James Davis was appointed a Commissioner on the part of the Territory of Iowa. The Governor of the State of Missouri declined to appoint a Commissioner on the part of that state. The law declares that if the State of Missouri and Territory of Iowa should fail to appoint Commissioners, or if the Commissioner appointed by either or both should fail to attend to the duty after reasonable notice, that the Commissioner on the part of the United States should proceed to execute the duties enjoined with either of said Commissioners, who might attend, or without the attendance of either or both of said Commissioners. The law further declares, that the line so run, ascertained and marked, should not be deemed to be finally established and ratified by the United States until the map or plat and descriptions aforesaid, and also, the said report of the Commissioners, should be submitted to, and the boundary as thus ascertained and marked approved of and ratified by the Congress of the United States.

The Commissioner appointed on the part of the United States, in conjunction with the Commissioner on the part of the Territory of Iowa, proceeded to the discharge of their duties, and submitted their reports in



accordance with the requisition of the law, and in obedience to a resolution of the House of Representatives, on the 30th day of January last. The report of the Commissioner on the part of the United States, was submitted to Congress by the Secretary of State, but not being finally acted upon before the adjournment of Congress, it now awaits the final action of Congress thereon at the ensuing session. After this report was submitted to Congress, the Legislature of the State of Missouri passed an act declaring the line run by their own Commissioners in 1837, to be the northern boundary of that State. This act was dated, according to the Proclamation of the Governor of Missouri, the 16th of July, 1839. This Missouri act appears to have been passed in defiance of the proceedings of Congress, and in direct contravention of their acts, and under the provisions of which the authorities of that State have attempted to obtain a tortuous jurisdiction over a portion of this Territory within the county of Van Buren, and on which the Territory of Iowa has since its organization exercised an unmolested jurisdiction.

The unwarrantable and unjustifiable proceedings of the authorities of Missouri, and their attempt to levy and collect taxes from the citizens of the United States, residing within the organized boundaries of this Territory, has caused an excitement of feeling that may ultimately lead to the effusion of blood.

It becomes our duty to maintain the jurisdiction of the United States over all the Territory embraced within the boundaries of the Territory of Iowa at the time of its organization, until Congress establish the line. This duty cannot be dispensed with by the authorities of this Territory, acting as they do under the laws of the United States. They are bound to maintain their supremacy, and cannot compromise or yield the jurisdiction of the United States in any way or manner whatever.

In order that the Legislative Assembly may have a full view of this exciting subject, I transmit, with this message, to the House of Representatives, all documents in possession of the Executive, that can cast light on the subject, with a request that they may be communicated to the Council, and receive the prompt attention of the Legislative Assembly, more especially the report of the Adjutant General, contained in No. 16. (Having no copies, I send the original, and request that they may be preserved by the Legislative Assembly, to wit: Documents No. 1 to No. 18, inclusive.)

In concluding this communication, I will suggest to the Legislative Assembly the propriety of again memorializing Congress to grant to this Territory for literary purposes a quantity of land equal to the grant made to Wisconsin. It seems to me that Congress will not withhold from Iowa, the same liberality that has been bestowed upon the other territories, if properly pressed upon their consideration.

That your deliberations on all subjects touching the general interests of our country, and the prosperity and happiness of our constituents, may be crowned with success, is the ardent wish of

Your Obedient Servant,

ROBERT LUCAS.



## REPORT

OF THE JUDICIARY COMMITTEE OF THE COUNCIL ON  
SO MUCH OF THE GOVERNOR'S MESSAGE AS RELATES  
TO THE ELECTION OF DELEGATE TO CONGRESS AND  
COUNTY RECORDER.

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 MR PARKER, CHAIRMAN.
 

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The Judiciary Committee, to whom was referred that part of the Governor's Message relative to the election of Delegate to Congress and County Recorder, have had the same under consideration and beg leave to Report:

That they have in their possession the *Engrossed* law "providing for and regulating General Elections in this Territory," which passed both Houses of this Legislative Assembly at its last session; and find upon a thorough examination that there are in the Enrolled law filed in the Secretary's office, several omissions—errors of the enrolling clerk, and which, owing to the great press of business on the last two or three days of said session, passed unnoticed through the hands of the enrolling committee and the Governor. The correction made by the Secretary makes the first section of the printed law correspond exactly with the law as it passed both Houses.

Without saying any thing relating to the authority to make such correction, your committee would say that the highest evidence of a law passed by the Legislature is the *enrolled* copy filed in the Secretary's office, signed by the presiding officers of both branches of the Legislative Assembly and by the Governor; and that any word, sentence, or provision that may be found in the printed laws which cannot be found in the *enrolled* copy cannot be deemed and taken to be *the* law, because it has not gone through the absolutely requisite process to constitute it a *law*, although it may have passed through both Houses. Being omitted in the *enrolled* copy, it has not received the signatures of the presiding officers nor the approval and signature of the Governor. But your committee are prepared to say, that, although the first section of the *enrolled* law alluded to is apparently ambiguous and equivocal, yet, *without* any correction or amendment, there can be no difference of opinion in regard to its "meaning" or its operation, and that *meaning* or operation, is precisely the same which is given to it by the "*interpolation*" of the Secretary, and that, therefore, said "*interpolation*" does NOT "*materially change the meaning of the law.*"

Laws when ambiguous or equivocal must be interpreted by the context, by the effects and consequences, or by the spirit and reason thereof. And one part of a law must be so explained by another as to make the whole, if possible, stand; and if that be not sufficient reference may be had to another law on the same subject or relating to it, and in this instance to



the Organic Law, which is our "Constitution." Apply these well known and well established rules of interpretation or construction, and the result by any one, or all of them, will be the same, to wit: that of the printed law. In the same sentence in connection with the words "delegate to Congress and county recorder," will be found "Members of the Council." The said officers by that sentence are all to be elected at the same time.

Delegate to Congress and Members of the Council were elected in September, eighteen hundred and thirty-eight. The Organic Law says they shall serve *two* years, which will be till September, eighteen hundred and forty. If we say that the words "August next and forty" mean August eighteen hundred and thirty-nine, we make the sentence conflict with the Organic Law and therefore void, and the word "forty" to have no meaning; but that would destroy the law which cannot be done if a reasonable and consistent construction can *possibly* be given. What is that *reasonable* and *consistent* construction? Why, that which will carry out the well known intention of the Legislature, make the sentence correspond with the Organic Law and give a meaning to the word "forty" and all that is done by construing the word "forty" to mean eighteen hundred and forty.

Your Committee, however, are of opinion that the less latitude there is left in a law for construction or interpretation, the better, and they have, therefore, prepared a Bill amendatory of said law and respectfully recommend its passage.

## ORDER OF DAILY BUSINESS IN THE COUNCIL.

After the Journals are read, the following order will govern:—

- 1st—Petitions or Memorials to be presented.
- 2d—Resolutions.
- 3d—Reports of Committees.
- 4th—Bills Resolutions and Communications on the President's table.
- 5th—Bills and Resolutions ready for a second reading.
- 6th—Bills and Resolutions on their passage.
- 7th—Reports in possession of the Council which offer grounds for a bill.
- 8th—Bills or other matters before the Council unfinished the preceding day.
- 9th—The above business, being dispatched, the general file of bills and other papers will be then taken up agreeably to their first introduction into the Council.



## STANDING RULES.

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I. The Council shall choose, by ballot, one of their own number to occupy the Chair. He shall be styled President of the Council, and shall hold his office during the Session of the Council at which he was elected. He shall take the chair at the hour to which the Council is adjourned and call the members to order; and if a quorum be present he shall direct the journal of the preceding day to be read, and mistakes if any, corrected. He shall preserve order and decorum, and shall decide all questions of order, subject to an appeal to the Council. In committee of the whole he shall call some member to the chair, he shall have a right to name any member to perform the duties of the chair; but such substitution shall not extend beyond an adjournment. He shall unless otherwise directed by the Council, appoint all committees. He shall vote on a call of the yeas and nays. In the absence of the President, the Council may appoint a President pro tem. to occupy the chair during such absence.

II. Any Member may have a call of the Council and absent members sent for. If upon such call absent members cannot be found in a reasonable time, then such call shall be suspended on motion of any member of the Council.

III. All questions (except on motions) shall be put in this form: "You who are of the opinion (as the case may be) say, Aye; those of the contrary opinion; Say No," and in all cases any member may call for a division, or for the Yeas and Nays, which shall be recorded by the Secretary of the Council.

IV. When a motion is made and seconded it shall be stated by the member making the same or read by the Secretary previous to debate. If any member of the Council shall make any motion (except to adjourn, postpone, or commit) he shall reduce the same to writing upon the request of the President, or any member of the Council. Any motion may be withdrawn by consent of the Council before final decision on the same.

V. Every member present, when a question is put, shall vote, unless he shall for special cause, be excused by vote of the Council.

VI. A motion to adjourn shall always be in order, and be decided without debate.

VII. When a member is about to speak, he shall rise in his place and address himself to the President; and when a member is speaking no person shall pass between him and the President's chair, nor shall he be interrupted when speaking except by a call to order by the President, or by a member through the President. No member shall speak more than twice on any question without leave of the Council.

VIII. When a question is under debate, no motion shall be received but to adjourn, to lie on the table, to postpone indefinitely, to postpone to a day certain, to commit, to amend or to take the previous question; which several motions shall have precedence in the order they stand arranged.



IX. The previous question shall be put in these words; "shall the main question be now put?" and it shall be admitted on the demand of four members of the Council rising in their places for that purpose and until decided shall preclude all amendments under debate, of the main question.

X. Any member may call for a division of the question, when the same will admit thereof.

XI. No committee shall absent themselves from the Council chamber by reason of their appointment, during the sitting of the Council, without special leave.

XII. Every bill shall be introduced on the report of a committee, or by motion for leave—in the latter case at least one day's notice shall be given of the motion: and the motion shall be made, and the bill introduced, if leave is given, when resolutions are called for; such motion or the bill when introduced may be committed.

XIII. Every bill shall receive three several readings previous to its passage; but no bill shall have its second and third readings on the same day, without special order of the Council.

XIV. The first reading of a bill shall be for information, and if objections be made to it, the question shall be; "shall the bill be rejected?" if no objections be made, or the question to reject be lost, the bill shall go to its second reading without further question.

XV. Upon the second reading of a bill or resolution the President shall state it as ready for commitment or engrossment; and if committed then the question shall be whether to a select or standing committee, or to a committee of the whole House; if to a committee of the whole House the Council shall determine on what day. But if the bill be ordered to be engrossed, the Council shall appoint the day when it shall be read the third time. No bill or resolution, that requires three readings, shall be committed or amended, until it shall have been twice read.

XVI. When a question is lost on engrossing a bill for a third reading on a particular day, it shall not preclude a question to engross it for a third reading on a different day. On the third reading of a bill, or resolution, no amendment (except to file blanks) shall be received, except by unanimous consent of the members present.

XVII. When a bill or resolution is engrossed the President shall, at the time previously appointed by the Council announce the same as ready for a third reading, without a question.

XVIII. A bill or resolution may be committed at any time previous to its passage; if any amendment be reported upon commitment, by any other than a committee of the whole, the bill or resolution may be again read a second time and considered as in committee of the whole, and if considered in committee of the whole, the question for its engrossment and third reading shall again be put.

XIX. In filling blanks, the largest sum, and longest time, shall be first put.

XX. When the Council is equally divided on a question the same shall be lost.

XXI. When a motion or question has been once made and carried in the affirmative or negative, it shall be in order for any member of the ma-



majority to move for the reconsideration thereof on the same or succeeding day.

XXII. All acts, addresses and resolutions, shall be signed by the President, and all writs, warrants and subpoenas, issued by order of the Council, shall be under his hand and seal, attested by the Secretary.

XXIII. Petitions, memorials, and other papers, addressed to the Council, shall be presented by any member in his place; a brief statement of the contents thereof shall be made verbally by the member introducing the same and shall not be debated or decided on the day of their being first read unless the Council shall direct otherwise but shall be on the table (to be taken up in the order they were read) or be referred on motion to a committee.

XXIV. After a bill shall have passed the Council it shall be the duty of the Secretary of the Council so far to alter the title of the Bill as to strike out the words "A Bill," and insert in lieu thereof the words "An Act," it shall then be duly enrolled, after which it shall be examined by a standing committee for that purpose who shall carefully compare the enrollment with the engrossed bill, and correcting any errors that may be discovered in the enrolled bill, shall make their report forthwith to the Council.

XXV. After examination and report each bill shall be signed by the President of the Council, and presented by the Committee on Enrollment, to the Governor for his approbation.

XXVI. A Secretary, Assistant Secretary, Recording, Engrossing and Enrolling Clerk shall be appointed by a ballot, to hold their places during the pleasure of the Council, they shall take an oath for the true and faithful discharge of their duties in their respective offices, the Secretary shall keep a correct journal of the daily proceedings and perform such other duties as shall appertain to his office. He shall let no journal, records, accounts or papers, be taken from the table or out of his custody other than by the regular mode of business of the Council; and if any papers in his charge shall be missing he shall make report to the President that it may be enquired into. It shall be the duty of the Recording Clerk to record the journal of the proceedings agreeably to the original furnished him by the Secretary. It shall be the duty of the Engrossing Clerk to engross all Bills, and of the Enrolling Clerk to transcribe, copy and enrol the same, the Secretary, Assistant Secretary, and Clerks, in the discharge of their duties shall be subject to the direction of the President of the Council.

XXVII. A Sergeant-at-Arms, Door Keeper, Assistant Door Keeper, Messenger and Assistant Messenger and Fireman shall be appointed by ballot to hold their offices during the pleasure of the Council: it shall be their duty to attend the Council during its sitting and to execute the commands of the President and Council, they shall take an oath truly and faithfully to discharge their respective duties in office.

XXVIII. When a message shall be sent from the Governor to the Council it shall be communicated to the Chair by the person by whom it may be sent.

XXIX. No person shall be elected to any office created by these rules unless he shall receive a majority of the whole number of votes given by the members of the Council.



XXX. When nominations shall be made in writing by the Governor of the Territory to the Council, a future day shall be assigned, unless the Council unanimously direct otherwise, for taking them into consideration.

XXXI. It shall be the duty of the members and officers of the Council to keep all information or remarks touching or concerning the character or qualifications of any person nominated by the Governor to office inviolably secret, also the proceedings and business of the Council when in executive session.

XXXII. Before acting on confidential or executive business, the Council should be cleared by direction of the President of all persons excepting the Secretary and Sergeant-at-Arms.

XXXIII. The proceedings of the Council when they shall act in their executive capacity shall be kept in separate and distinct books, and no part of the executive journal shall be published but by special order.

XXXIV. No member or officer of the Council shall read the Newspapers within the bar of the Council while in session.

XXXV. The President of the Council is authorized and required to administer all oaths prescribed by these rules.

XXXVI. Every resolution read by the Secretary by direction of a member shall be considered to be before the Council and the question to adopt or reject may be immediately put on such resolutions, or on motion of a member the same may be laid on the table.

XXXVII. No standing rule or order of the Council shall be rescinded or suspended except by a vote of three fourths of the members present.

XXXVIII. All bills brought into the Council by any member or committee shall be endorsed with the name of the member or committee bringing in the same.

XXXIX. When a member shall be called to order he shall sit down until the President shall have determined whether he is in order or not, and every question of order shall be decided by the President subject to an appeal to the Council by any two members, and if a member be called to order for words spoken, the exceptionable words shall be immediately taken down in writing that the President and Council may be better enabled to judge of the matter.

XL. The following officers and persons present at any time during the sitting of the Council shall be entitled to a seat within the Bar, the Governor, Secretary, Attorney General of the Territory, Judges of the Supreme Court, Members of Congress, Members of the House of Representatives, former members of the Legislative Council of the Territory and members of the State Legislatures, Editors, wishing to take down the debates and such others as the Council may direct.

XLI. The rules of Parliamentary Practice comprised in Jefferson's Manual, shall govern the House in all cases to which they are applicable, and in which they are not inconsistent with the standing Rules and Orders of the Council, and the Joint Rules of the Council and House of Representatives.

XLII. The Standing Committees of the Council shall be as follows, viz:

On the Judiciary.

On Finance.

On Internal Improvements.



On Enrollments.  
 On Territorial Affairs.  
 On Schools.  
 On Claims.  
 On Military Affairs.  
 On Roads.  
 On Expenditures.  
 On Incorporations.  
 On Territorial Library.  
 On Public Buildings.  
 On Elections.

## JOINT RULES OF BOTH HOUSES.

I. In every case of an amendment of a bill agreed to in one House and dissented to in the other, if either House shall request a conference, and appoint a committee for that purpose, and the other House shall also appoint a committee to confer, such committee shall at a convenient hour, to be agreed on by their chairman, meet and state to each other, verbally or in writing, as either shall choose, the reasons of their respective Houses, for and against the amendment, and confer freely thereon.

II. When a message shall be sent from the Council to the House of Representatives, it shall be announced at the door of the House by the Door Keeper, and shall be respectfully communicated to the chair by the person with whom it may be sent.

III. The same ceremony shall be observed when a message shall be sent from the House of Representatives to the Council.

IV. Messages shall be sent by such persons as a sense of propriety in each House may determine to be proper.

V. After a bill shall have passed both Houses, it shall be duly enrolled by the clerk of the Council, or of the House, as the bill may have originated in the one, or the other House, before it shall be presented to the Governor.

VI. When bills are enrolled, they shall be examined by a Joint Committee of two from the Council, and two from the House of Representatives, appointed as a Standing Committee for that purpose, who shall carefully compare the enrollment with the engrossed bills, as passed in the two Houses, and correcting any errors that may be discovered in the enrolled bills, make their report forthwith to the House in which the bill originated.

VII. After examination and report, each bill shall be signed in the respective Houses, first by the Speaker of the House of Representatives, then by the President of the Council.



VIII. After a bill shall have been thus signed in each House, it shall be presented by the said Committee to the Governor for his approbation, it being first endorsed on the back of the roll, certifying in which House the same originated, which endorsement shall be signed by the Secretary of the House, in which the same originated, and shall be entered on the Journal of each House; the said Committee shall report the day of presentation to the Governor which shall also be entered on the Journal of each House.

IX. All orders, resolutions, and votes, which are to be presented to the Governor, for his approbation, shall also, in the same manner, be previously enrolled, examined, and signed; and shall be presented in the same manner, and by the same Committee, as provided in cases of bills.

X. When a bill or resolution, which shall have been passed in one House, is rejected in the other, notice thereof is to be given to the House, in which the same may have passed.

XI. When a bill or resolution, which has been passed in one House, is rejected in the other, it is not to be brought in during the same session, without a notice of five days, and leave of two thirds of that House in which it shall be renewed.

XII. Each House transmit to the other, all papers on which any bill or resolution shall be founded.

XIII. After each House shall have adhered to their disagreements, a bill or resolution is lost.

XIV. When bills which may have passed one House are ordered to be printed in the other, a greater number of copies shall not be printed, than may be necessary for the use of the House making the order.

## CORRESPONDENCE RELATIVE TO SEALS.

BURLINGTON, Iowa Territory, }  
December 2, 1839. }

To the Honorable the PRESIDENT  
of the Legislative Council.

SIR—In compliance with a resolution of the Council of the 20th of Nov. last addressed to me and requesting information as to what steps had been taken by the late Secretary of the Territory to carry into effect a joint resolution adopted by the Legislative Assembly at its last session, empowering him to employ Mr William Wagner to engrave an appropriate seal for the Supreme Court, the District Courts, County Commissioners Courts and Probate Courts in the Territory, I have to state that I have searched among the papers of the late Secretary in my possession,



and have found his correspondence with Mr Wagner in relation to this subject, a copy of which correspondence I have the honor herewith to submit for the consideration and information of the Honorable the Council.

"SECRETARY'S OFFICE,  
Territory of Iowa, Sept. 2d, 1839. }

TO MR. WM. WAGNER of York, Penn.

DEAR SIR—I have been empowered and authorized by the Legislature of Iowa to employ you to engrave an appropriate Seal for the Supreme Court of this Territory, also a seal for the United States District Court in each County, also a Seal for the County Commissioners Court in each County now organized, and also a Seal for the Probate Courts in each County. The Seals are to be delivered to and approved by the Secretary of the Territory. The sum is not specified, but it will of course be your usual charge for similar work.

In this Territory we have fourteen organized Counties, for each of which there will be three seals, to wit, One for the District Court, one for the Commissioners Court and one for the Court of Probate of each County.

The names of the Counties are as follows: Henry, Van Buren, Jefferson, Lee, Des Moines, Johnson, Cedar, Scott, Muscatine, Louisa, Washington, Jackson, Du Buque, and Clayton.

For the Supreme Court, you will engrave a large Seal, the device of which will be a well executed *Eagle*, bearing in its talons a pair of well balanced *scales*: with this circular inscription, "Seal of the Supreme Court of Iowa."

For each of the District Courts in the Counties above named you will engrave a Seal somewhat smaller than the one intended for the Supreme Court, the device on each of which will be the same as that of the seal of the Supreme Court, an *Eagle* bearing a pair of balanced scales, with this difference, that the eagle on the seal of the Supreme Court will be drawn in an ascending attitude, bearing the scales in its *talons*, while on the seals for the District Courts the *Eagle* will be drawn as if flying forward, bearing the scales in its *beak*—around each of which said seals for the District Courts you will engrave in plain letters this circular inscription, "Seal of the District Court of ——— County" naming the County, and in all cases in a different and plainer letter than in the balance of the inscription, for this reason, the seals will be all the same with the difference of the Counties, hence the necessity of making that distinction plain, I mean the distinction between the Counties by the plainness of the name of each.

The device on the seals of the Commissioners courts in each county will be an *Eagle* resting on the beam of a *plough*. To draw an *Eagle* at rest, will I am aware, test your skill as an engraver, but you can, I trust, accomplish the task; but if it be too difficult, you may engrave the *Eagle* as fluttering or in the act of alighting upon or raising from the beam as you may prefer; on each of which seals you will engrave this circular inscription "commissioners court of ——— county" naming the



county as before directed, in plainer letter or different letter from the rest of the inscription.

And now the greatest difficulty still remains—I refer to the Probate seals—or seals of the Probate courts.

The device on each of these seals, will be this.—An *Eagle* spreading its wings over a *Coffin*, with this inscription on each seal “Probate Seal of ——— county.” This last seal or seals for the courts of Probate will demand your utmost skill as an engraver.

I have labored for a long time to arrive at appropriate devices, devices not only in good taste, but also representing appropriate and distinct ideas, in close relationship with the objects in view.

I would, therefore, represent the Supreme court as rising superior to the District courts, in its calm and exalted judgments; fixing its eagle eye on the sun of Justice in its upward flight, bearing the balanced scales to the region whence equity descends upon man.

The Eagle of the District courts is presumed to ply nearer to the earth and sometimes within the moral atmosphere which derives its heat from the tumult of conflicting interests and passions above the reach of which the Judges of the Supreme court are understood to soar.

The county commissioners of Iowa, like those of Pennsylvania, are charged more especially with the common interests of the counties, which will ever be found to cluster around the Farmer and the plough.

The courts of Probate here, are charged with duties peculiar to the Orphans courts of Pennsylvania, they deal with those multifarious interests, which unite the rights, expectations and duties of the living with the remembrance of the dead—and hence the device which I have finally chosen.

I have one remark to make which I would impress upon your mind indelibly in this matter, and that is, the necessity of drawing the figures distinctly with due regard to ease, posture and proportion. As a principal figure, there is nothing so appropriate as the *Eagle*, the enduring remembrancer of our revolutionary origin, whilst, as you will have perceived it is the other accompanying figure in the cases already stated which is intended to impart peculiar significance to the seals of Iowa.

You will also observe that I have not multiplied the figures. This would be in bad taste, because seals which are intended to represent *every thing*, or many things, generally represent *nothing* and mean nothing without an elaborate explanation; and the necessity of explanation, with regard to seals is the most unfavorable criticism that can be pronounced upon their device or execution.—Besides, a multiplicity of figures increases the difficulty of the task imposed on you, which, without compromising my official integrity, I would willingly diminish rather than augment.

The last device comprises nothing more than simplicity and significance, and the best engraving consists in the strictest fidelity to the device. But even where figures are not numerous they may be almost confounded by want of taste and judgment in their execution.

In the foregoing communication I have been particularly anxious to aim at perspicuity that there may be no mistakes, and hence I have entered into the details more fully than any other subject might have re-



quired. There are few subjects indeed, upon which criticism is more frequently exercised than that which is involved in this correspondence, and I know of no people, who, (as a community,) have more taste and discernment than the people of Iowa.

In this case I feel myself encumbered with considerable responsibility, which I could wish the Legislature had imposed upon a more competent person. But so it is, and I hope we will both acquit ourselves, if not with high claims to credit, at least without deserving blame.

You will also engrave a seal for the commissioners courts, and a seal for the courts of Probate in each of the following counties to wit:—the counties of Linn, Jones, and Clinton, bearing the same device as the seals already ordered for the commissioners and Probate courts. In regard to these counties last named, I am not authorized to order seals for the District courts, inasmuch as these counties are *attached* to other counties for Judicial purposes.

You will endeavor to have *all* the seals ready about the middle of next March, at which time, I will, if alive and in my present station make you a visit for the purpose of examining and I trust, approving the seals.

Please acknowledge the receipt of this without delay—address your answer to me at Burlington, Iowa Territory, and if you are prepared to execute the job within the time specified have the goodness to say so that I may not be left in doubt, because if you decline, the employment of another person will become necessary as you will readily perceive.

With much regard

Your very obedient Servant,

WM. B. CONWAY, Secretary  
Of the Territory of Iowa."

To which letter Mr Wagner returned the following answer,

"YORK, Sep. 30th, 1839.

WM. B. CONWAY, Esq., Sec'y. Iowa Terr.

DEAR SIR—Your favor of the 2d and *post marked* the 10th., came to hand yesterday and agreeably to your request I hasten to reply to it.

The very handsome order which you are pleased to send me, I undertake with great pleasure, and shall execute the job within the time specified, or sooner.

Your devices for the different seals are excellent and I hope I shall be able to do justice to them in the engraving.

You may rest assured that I shall spare neither time or labor to do them well.

With great respect,

Your Ob't Serv't,

W. WAGNER."

I have deemed it better to send a copy of this correspondence although somewhat lengthy, in order that the Council may be advised not only of what has been done in relation to this matter, but also that they may judge of the propriety of the devices for the various seals ordered by the late Secretary not doubting but they will approve of the severe simplicity—the chaste and elegant propriety which betrays their *origin* in their *design*.



I also enclose for the inspection of the Honorable the Council, some impressions of seals engraved by Mr Wagner for the Territory of Wisconsin, that they may judge of his skill as an engraver and die-sinker.

Please accept for yourself and for the Body over whom you preside the assurance of the high regard and respect with which I have the honor to remain,

Your and their very obedient servant,

CHARLES WESTON,

Fiscal agent for the Territory of Iowa.

The enclosed of the 10th inst. is a copy of the following communication to the Council of the Territory of Iowa, dated the 10th inst. and received by the Council on the 11th inst. It is a copy of the original, and is not intended to be a substitute for the original, but is intended to be a copy of the original, and is not intended to be a substitute for the original.

I have the honor to acknowledge the receipt of the enclosed of the 10th inst. and to inform you that the same has been forwarded to the Council of the Territory of Iowa, and that the Council has received the same on the 11th inst. I have also the honor to inform you that the Council has received the enclosed of the 10th inst. and that the Council has received the same on the 11th inst. I have also the honor to inform you that the Council has received the enclosed of the 10th inst. and that the Council has received the same on the 11th inst.

Very respectfully,  
Wm. H. Conway, Esq.,  
Fiscal Agent for the Territory of Iowa.

To which letter Mr. Wagner returned the following answer:

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# INDEX.

---

## ACTS, relative to

Academy, 34, 43, 54.

Acts of John C. Mather, 49, 54, 75, 89.

Administrators, of B. W. Clark, 55, 58, 60, 103, 106, 120.

Certain, relief of, 136, 145, 162.

Aliens, 65.

Auditor, appointment of, 83, 84, 91, 99, 109, 115, 117, 133.

Attorneys, practice of, 91.

Admission of, 99, 101, 108, 121, 152.

Acts, repeal of, 135, 145, 149, 166, 178, 180.

Auctioneers, &c. 157, 163, 170.

Attachment, writs of, 177.

Acts of 1839-40, 177.

Bloomington Education Society, 75, 78, 89, 94, 110.

Insurance Company, 120, 123, 129, 142, 151.

Conveyances, 55, 58, 83, 125.

Conscientious Scruples, 46, 50, 54.

Contempt, 21, 22, 24.

County Treasurers, 31, 32, 47, 51, 59, 94.

Census, 34, 43.

Custody of persons arrested, 41.

Coroners, 43, 50, 59.

Counties, size of, 43, 50, 79, 89.

Organization of Delaware, 46, 49, 54, 61.

Districting Henry, 52, 54, 59.

Seat of Cedar, 65, 67, 89, 94, 109.

Relief of Van Buren, 74, 78, 151.

Seat of Johnson, 80, 81.

Benefit of Des Moines, 91, 93, 146.

Sheriff of Jackson, 94, 95, 97, 101, 125.

Seat of Des Moines, 103, 106, 113, 114, 125, 126, 137.

Linn, 105, 109, 133, 136.

Clayton, 105, 109, 150.

Organization of Clinton, 107, 114, 130, 139, 147.

Sheriff of Lee, 107, 114.

Commissioners of Des Moines, 120, 124.

Sheriff of Des Moines, 120, 124, 129, 147.

Seat of Lee, 166, 169.

Jones, 177.

Costs, 69, 75, 125, 154, 164.



## ACTS, relative to

- Chancery, proceedings in, 74, 78.
- Courts, terms of, 91, 176, 177, 181, 184.
- Carriers, relief of, 116, 117, 119, 151.
- Claim of Des Moines, 154, 164.
- Dams, Vinson H Wamsley, 22, 24, 26.
  - Crooked Creek, Adam Ritchie, 124, 129, 140.
  - Big Cedar, Wm. Warner, 146, 148.
  - In Jefferson County, Wm. Ingersoll, 153.
  - Big Cedar, John Troxell, 158.
  - Big Cedar, John Klinkenbeard, 158.
- Deeds, Iowa City, 59, 61, 62, 69, 76, 119, 136, 141, 143.
- Districting Counties, 107, 113, 116, 119.
- Divorce, &c. 148, 154, 155, 170.
- Du Buque, incorporation of, 148, 153, 163.
- Evidence, 30, 32, 35, 65, 142, 149, 164.
- Executors, 49, 52, 60.
- Elections, 77, 82, 93, 98, 101, 113, 114, 120, 123, 150, 157.
- Enclosures, 91, 103.
- Extra Session, 111, 114, 126, 133, 136, 151.
- Execution, real estate, &c. 147, 149, 152, 153, 177, 178, 179.
- Fire Insurance Company, 129, 132, 137.
- Frauds, 25, 27, 33, 45, 129, 132.
- Flouring Mill, Iowa, 53, 57, 69, 75, 89, 94, 95.
- Ferries, 75, 76, 96, 101, 116.
  - Elijah Buel, 91, 93, 98, 116.
  - Avery Thomas, 94, 95, 97, 101, 125.
  - Certain, 151, 152, 154, 166, 169, 176, 182.
  - Robert E. Mott, 158.
- Fugitives, arrest of, 116, 117, 119, 137.
- Fence, lawful, 147, 149.
- Grocery License, 29, 32, 36, 37, 45, 62, 63, 75, 79, 85, 91, 96, 125.
- Habeas Corpus, 25, 28, 73, 82, 90, 97, 138, 139, 143.
- Horses, breed of, 125, 128.
- Illegitimate Children, 67, 69, 80, 83, 87, 89, 94.
- Jurisdiction, foreign, 62, 64.
  - Counties on Mississippi river, 75, 76, 79.
- Justices of the Peace, 131, 138, 141, 150.
- Imprisonment for debt, to abolish, 150, 154, 164.
- Knapp, Harriet, 146, 148, 154, 163.
- Landlords and Tenants, 21, 22, 41, 42, 44, 54.
- Lyceums, 27, 30, 38, 61.
- Librarian, 29, 33, 40, 45, 51, 108, 125.
- Legislative Assembly, organization of, 156, 159.
- Marriages, 49, 53, 74, 79, 85, 125.
- Mechanics' Liens, 152, 162.
- Mill privileges, Lewis Watson, 62.
  - Company, Philadelphia, 103, 105, 109, 133.
  - Tuscarora, 120, 124, 129, 141, 151.



## ACTS, relative to

Mill Company, Bloomington, 147, 149.

Notaries Public, 43, 52, 54, 75, 92.

*Ne exeat*, 75, 78.

Officers, incompatibility of, 75, 77.

Territorial, relief of, 112, 113, 116, 136, 137, 140.

County of Scott, 129, 132.

Public Printer, 29, 32, 44, 48, 51, 58.

Poor, 49, 52, 142.

Penitentiary, 49, 52, 62, 64, 96, 101, 141, 157, 160, 168.

Practice, regulating, 157, 161, 169.

Printers, Compensation of, 160, 165, 166, 167, 170, 172.

Public Buildings, Commissioners of, 168, 176.

Roads, Fairfield to Wapello, 93, 97, 101, 129, 142, 152.

Burlington to Keokuk, 110, 113, 141.

Territorial, of last session, 110.

therein named, 111, 138, 139.

Opening of, 117, 118, 160.

Supervisors of, 120, 123, 163.

Burlington to Indian Boundary line, 130, 137, 146, 151, 156.

Mount Pleasant to Washington, 141, 148, 149, 157, 163.

Bloomington to Washington, 158.

Wyoming to Iowa city, 162.

Revenue, County, 105, 130, 134, 138, 139, 141, 145, 151.

Salem, Incorporation of, 125, 128, 135.

Statutes, authentication of, 126, 133, 141, 151.

School lands, trespass on, 129, 132, 140, 146.

Si-si-sa-man, 129, 132, 137.

Seals, 26, 135.

Settlers on Half Breed lands, 27, 28, 35, 61.

Seminary, Parkhurst, 73, 78, 83.

Antwerp, 138, 140, 146.

Suits, limitation of, 94, 95, 97, 109, 133.

Schools, 120, 124, 129, 156.

Townships, 43, 46, 97, 108, 115, 116, 142.

Title, evidence of, 168.

University, Mount Pleasant, 148, 153, 162.

Wolves, 55, 58, 60, 67, 69, 114, 133.

## APPENDIX

Governor's Message, 189.

Report on part of, 203.

Order of daily business in Council, 204.

Standing Rules, 205.

Joint Rules of both Houses, 209.

Correspondence relative to Seals, 210.

COMMITTEES OF CONFERENCE, 49, 65, 85, 88, 95, 96, 117.

139, 140, 143, 150, 170, 174, 181, 182.

## COMMUNICATIONS,

From the Secretary of the Territory, 101.

Delegate to Congress, 14, 98.

Fiscal Agent, 57, 61, 149.



**ELECTION OF OFFICERS**, 4, 5, 6, 7, 9, 10, 12, 13.

Director, Penitentiary, 152.

**GOVERNOR'S MESSAGES**, 8, 68, 117, 125, 127, 140, 146, 157, 169, 180.

**LEAVE OF ABSENCE**, to Hughes, 25,

Browne, 37, 70, 123.

Wallace, Secretary, 39.

Swazey, 60, 70.

**MEMORIALS**, relative to

Arms, &c. 158, 161, 172.

Armory, 158, 161, 162.

Bridges, &c. 100, 105, 140, 147.

Harbor at Du Buque, 80, 82, 85.

Iowa and Cedar Rivers, improvement of, 31, 32, 35, 43, 95.

Literary purposes, 39, 47, 59.

Land District, 40, 47, 119, 125, 137.

Location of Commissioners, Henry County, 64, 66, 81, 91.

Land Sales, postponement of, 73, 77, 83, 96, 133, 146, 157.

Land Claim, Du Buque, 103, 105, 109, 133.

Missouri, disputed boundary, 43, 52.

Mississippi River, obstructions in, 111, 112, 133.

Mail, extra from Davenport to Du Buque, 116, 117, 119, 148.

Missouri difficulty, expenses of, 162, 173, 176.

Organic Law, 54, 57, 60.

Post Roads, 29, 32, 46, 50, 54, 60, 64, 95.

Penitentiary, 42, 54, 59, 92.

Post Master General, 177.

Rangers of late War, 73, 77.

Road from Du Buque, &c. 31, 34, 45.

Lake Michigan to Mississippi river, 46, 51.

Burlington to Des Moines river, 65, 67.

Farmington to Du Buque, 66, 68.

On the Des Moines river, 74, 78.

Therein named, 74, 78.

Opposite Burlington, 94, 95, 97, 101, 129.

From Burlington to Mount Pleasant, 94, 95, 97, 99, 101, 106, 110, 111, 116, 117.

Military, from Fort Madison, &c. 103, 108, 121, 147.

From Burlington to mouth of Iowa, 111.

Improved, 125, 128, 132, 133, 140, 151, 154, 159.

Mail, from Davenport to Burlington, 129.

From Keokuk to Mount Pleasant, 157.

To re-locate, Alfred Hebard, 168.

Skunk River, survey of, 33, 35, 38, 43, 95.

Sioux half breed Reservation, 75, 78, 85.

School Lands, settlers on, 75, 79, 81, 89, 96, 97, 104, 109, 117, 125, 126, 140.

Sections of Land, donation of, 152, 162.

Smith, Jeremiah, relief of, 21, 22, 24.



## MESSAGES

From the House of Representatives, 6, 7, 8, 11, 16, 27, 30, 33, 38, 40, 41, 42, 44, 46, 48, 52, 54, 56, 60, 63, 66, 70, 71, 74, 75, 79, 82, 83, 85, 87, 91, 92, 94, 98, 100, 104, 107, 109, 110, 115, 116, 120, 125, 129, 133, 135, 137, 138, 142, 145, 146, 149, 151, 155, 157, 158, 159, 161, 163, 164, 165, 167, 171, 174, 180, 181, 183, 184.

## OFFICERS ELECTED, 7.

## PETITIONS

Of G. W. Jones, 4, 21.

Citizens of Clinton county, for a Ferry, 26.

Andrew Logan, 31.

Quigley and Dixon Committee, &c. 39.

Joseph N. Green, 53.

Lewis Watson, 57.

W. A. Richardson, 59.

For a Road from Wapello to Fairfield, 88.

Citizens of Henry county, 122, 135.

Do. " " Road, 122.

Do. " Cedar Road, 122.

Johnson and Muscatine Road, 126.

Messrs Brophy & Bourne, 166.

Citizens of Louisa relative to Land Sales, 166.

## REPORT of Committee to wait upon Governor, 7, 186.

Relative to drafting Rules, 8, 10, 11.

Directors of Penitentiary, 16, 17, 18, 19.

Communicate with R. C. Tilghman, 29.

Inquire into Citizenship of Officers, &c. 29.

Unfinished business, 31.

R. C. Tilghman, 31.

On Finance, 34, 36.

Enrollments, 36, 42, 45, 57, 65, 80, 92, 93, 95, 103, 104, 106, 107, 111, 113, 118, 127, 132, 135, 152, 156, 169, 171, 174, 178, 185.

Select Committee, 36, 39, 46, 49, 62, 66, 81, 87, 93, 96, 100, 103, 104, 106, 107, 112, 117, 118, 122, 123, 127, 172, 130, 131, 135, 141, 143, 148, 149, 150, 159.

Territorial Library, 36. 93 31 29 2-1 194 129 40 45  
Committee, Judiciary, 36, 39, 47, 55, 68, 73, 77, 80, 86, 89, 97, 104, 123, 126, 128, 131, 135, 143, 148, 152, 153, 154, 157, 159, 160, 171, 173, 174, 177, 179, 180, 184.

Territorial Affairs, 43, 51, 66, 96, 118, 122, 127, 147, 153, 156.

Expenditures, 76, 103, 131, 165, 170, 172.

On Schools, 81, 156.

Incorporations, 87, 96, 103, 153, 155.

Roads, 138, 156, 160.

Military Affairs, 162.

Library  
47 15 15 93 108 125



## RESOLUTIONS.

- Acts, relative to, 7.
- Adjournment, 20.
- Committee to examine Public Buildings, 176.
- Conway, W. B. death of, 10, 12.
- Citizenship, &c. of Officers, 14.
- Congress, 25th, acts of, 20, 23, 40, 49.
- Catalogue, &c. of Library, 31.
- Clark County, Missouri, Sheriff of, 53, 57.
- Commissioner, Acting, Public Buildings, 82.
- Company, Hydraulic, 105.
- Census, taking the, 128, 136, 141, 146, 147.
- Edwards, James G. compensation to, 95, 104, 114, 133.
- Expenses of Committee to attend the remains of William B. Conway, 107, 114, 119, 137.
- Engineer, resident, 132, 137, 151.
- Extra pay to J. B. Browne, 144.
- Stephen Hempstead, 153.
- Extra Session, expenses of, 167.
- Fiscal Agent, appointment of, 19.
- "Gazette," and "Hawk-Eye," 8.
- Governor and Secretary of War, correspondence of, 118.
- Election of, by the People, 137, 144, 149, 157.
- "Iowa News," publication in, 120.
- Journals, distribution of, 143, 148.
- Lands, unsurveyed, 29, 32, 35, 43, 94. 47
- Legislative Assembly, expenses of, 76, 82, 89, 107.
- Memorials, &c. last session, 40, 50, 54, 165.
- Missouri, difficulty with, 68, 69, 70, 71, 76, 80, 151, 152, 153.
- Messenger, special, to Washington, 87.
- Ministers Plenipotentiary to Missouri, 110, 115.
- Mail facilities, additional, 111, 114, 125, 142.
- Message, President's, 174, 182.
- Organization, 3.
- Officers, pay of, 83, 86.
- Council, of thanks to, 186.
- Printing, Journals, 21, 30.
- Laws, &c. in newspapers, 22, 23, 24, 26, 85, 86, 171.
- Incidental, 28.
- Of Laws, Supervisor of, 67, 68, 69, 81.
- Of Laws, 88, 94, 98, 116, 142, 177.
- Indexing, &c. Journal, 124, 130.
- Reports, &c. Supreme Court, 167.
- Lists of Acts, 184.
- Penitentiary, Director, election of, 149.
- Postage, 4.
- President of Council, election of, 9.
- Post Road, 91, 92, 117, 125, 131, 151, 157, 163.
- Offices, 105, 110, 137.
- Road, Turnpike from Burlington to Mount Pleasant, 23, 26.



## RESOLUTIONS.

Rule 16th, of Council, amendment of, 24.

River, Des Moines, improvement of, 33, 34, 52, 54, 89.

Russell and Reeves, 39.

Rent of Building for Legislative Assembly, 129, 132, 140, 151.

— Reno, Morgan, for services, 180.

Secretary Territory, Acting, appointment of, 12, 19.

Seats, persons entitled to, 20.

Seals, 35, 66, 69, 75, 91.

Supreme Court, 66.

Sheriffs, former, 120, 124, 129, 137.

Secretary, assistant, 186.

Tilghman, R. C. 25.

Wagner, William, pay of, 66.

Webber and Remey, 135, 144, 149.

RULES OF COUNCIL, 4, 134.

STANDING COMMITTEES, 13, 15.

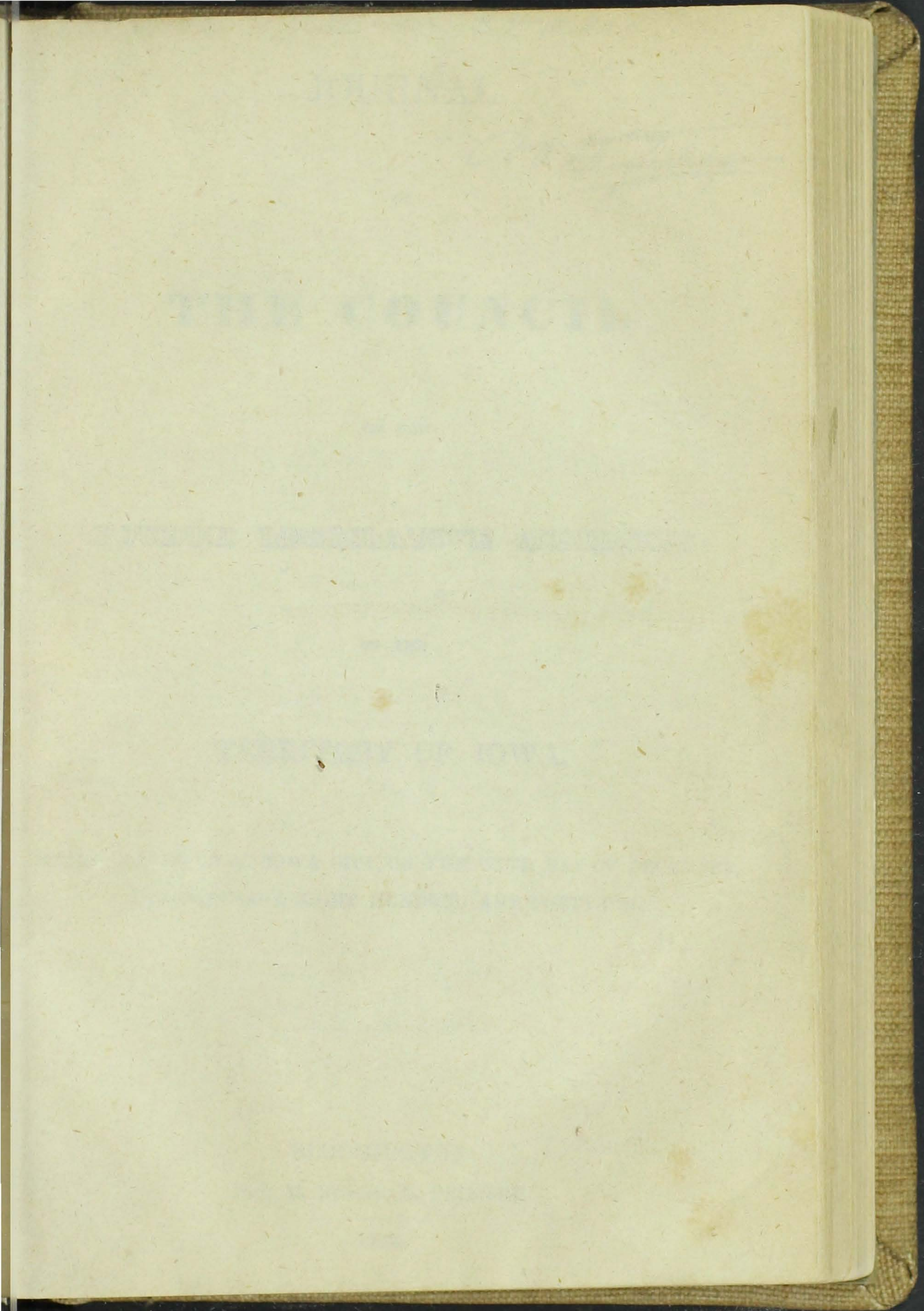


RESOLUTIONS

The following resolutions were adopted by the  
House of Representatives, at its session of 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

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JOURNAL

*No 774*

OF

# THE COUNCIL

OF THE

FOURTH LEGISLATIVE ASSEMBLY

OF THE

TERRITORY OF IOWA,

BEGUN AND HELD AT IOWA CITY, ON THE SIXTH DAY OF DECEMBER,  
ONE THOUSAND EIGHT HUNDRED AND FORTY-ONE

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BLOOMINGTON:

JNO. B. RUSSELL, PRINTER.

.....  
1842.



*Journal*

~~No. 11~~

OF

# THE COUNCIL

OF THE

LEGISLATIVE ASSEMBLY

OF THE

## TERRITORY OF IOWA

BEGUN AND HELD AT IOWA CITY, ON THE FIFTH DAY OF DECEMBER,  
ONE THOUSAND NINETEEN HUNDRED AND FORTY ONE

BLOOMINGTON:

JNO. B. RUSSELL, PRINTER.

1841



# JOURNAL OF THE COUNCIL

OF THE

## LEGISLATIVE ASSEMBLY OF IOWA TERRITORY,

Begun and held at Iowa City, on Monday the sixth day of December, A. D., 1841.

In accordance with law, the Council was called to order by B. F. Wallace, Secretary, and the following named members appeared and answered to their names:

*From the counties of Dubuque, Jackson, &c.*—M. BAINBRIDGE and J. S. KIRKPATRICK.

*From the counties of Scott and Clinton*—J. W. PARKER.

*From the counties of Cedar, Linn, &c.*—GEORGE GREENE.

*From the counties of Muscatine and Johnson*—S. C. HASTINGS.

*From the counties of Louisa and Washington*—FRANCIS SPRINGER.

*From the county of Lee*—J. B. BROWNE and ED. JOHNSTON.

*From the county of Henry*—W. H. WALLACE.

*From the county of Jefferson*—W. G. COOP.

*From the county of Van Buren*—G. S. BAILEY.

The Hon. SHEPHERD LEFFLER, member elect to fill the vacancy in the county of Des Moines, came forward, produced his certificate of election, and was sworn into office.

On motion of Mr. Hastings,  
Mr. Browne was appointed President, *pro tem*.

On motion of Mr. Bainbridge,  
G. W. Harris was appointed Sergeant-at-Arms, *pro tem*.

On motion of Mr. Bailey,  
Samuel Parker was appointed Door-Keeper, *pro tem*.

On motion of Mr. Hastings,  
The Council adjourned until 10 o'clock to-morrow morning.



## Tuesday Morning, Dec. 7, 1841.

The Council met pursuant to adjournment.

On motion of Mr. Springer,

T. S. Parvin was appointed Assistant Secretary, *pro tem*.

On motion of Mr. Springer,

Ordered, That the Rules for the government of the Council of the last session be adopted for the temporary government of this Council; and until new Rules are adopted.

Mr. Hastings offered the following resolution:

*Resolved*, That the following be the officers of the Council, and that the per diem hereunto annexed be allowed to each, respectively:

One Secretary, per diem,	\$4 00
One Assistant Secretary,	3 00
Two Transcribing Clerks,	2 50
One Sergeant at Arms,	2 50
One Door-keeper,	2 50
One Messenger,	2 50
One Fireman,	2 50

Mr. Wallace moved to lay the resolution on the table until the 4th of July next;

Which was lost.

The yeas and nays being ordered, were as follows:

YEAS—Messrs. Bainbridge, Brown, Springer and Wallace—4.

NAYS—Messrs. Bailey, Coop, Greene, Hastings, Johnston, Kirkpatrick, Leffler and Parker—8.

The question then recurred upon the adoption of the resolution, which passed by the following vote, yeas 7, nays 5.

The yeas and nays being ordered, are as follows:

YEAS—Messrs. Bailey, Coop, Greene, Hastings, Johnston, Leffler and Parker—7.

NAYS—Messrs. Bainbridge, Browne, Kirkpatrick, Springer and Wallace—5.

On motion of Mr. Hastings,

The Council proceeded to the election of President:

Mr. Johnston nominated J. W. Parker.

Mr. Springer nominated Mr. Bainbridge.

Messrs. Springer and Kirkpatrick were appointed tellers.

The votes having been taken and counted, stood as follows:

J. W. Parker received	6 votes.
M. Bainbridge “	4 “
Blank “	1 “
Greene “	1 “

No one having received a majority of all the votes given, a choice was not made.



Mr. Springer moved

That the Council adjourn till to-morrow morning at 10 o'clock.

Which was lost.

The yeas and nays being ordered, are

YEAS—Messrs. Bainbridge, Browne, Kirkpatrick, Springer and Wallace—5.

NAYS—Messrs. Bailey, Coop, Greene, Hastings, Johnston, Leffler and Parker—7.

Mr. Springer then moved

That the election of President be postponed till to-morrow morning at 10 o'clock;

Which was lost.

The yeas and nays being ordered, are

YEAS—Messrs. Bainbridge, Browne, Springer and Wallace—4.

NAYS—Messrs. Bailey, Coop, Greene, Hastings, Johnston, Kirkpatrick, Leffler and Parker—8.

The Council then proceeded to a second balloting,

Messrs. Springer and Kirkpatrick acting as tellers.

The votes being taken and counted, it appeared that

J. W. Parker received	6 votes.
M. Bainbridge    “	4   “
Blank            “	1   “
Greene           “	1   “

No one having received a majority of the whole number of votes given, a choice was not made,

And the Council proceeded to a third balloting, when it appeared that

J. W. Parker received	7 votes.
M. Bainbridge    “	4   “
Greene           “	1   “

Mr. Parker having received a majority of all the votes given, was declared duly elected President of the Council, and was conducted to the chair by Messrs. Bailey and Johnston; after which he delivered the following address:

*Gentlemen*—I tender you my most sincere and grateful acknowledgements for this flattering testimony of your confidence in me.

Entrusted, by you, with so honorable and so responsible a station, it becomes my duty, and, I assure you, it will be my pleasure to exert my utmost powers to discharge its duties faithfully, promptly and impartially. But inexperienced as I am, I can hope to do so but imperfectly. I shall, therefore, look for, and hope I may receive, your aid and instruction.

In the good government of the Council, as much depends upon each member as upon the presiding officer; and I am confident, from my acquaintance with you, that the order and dignity which has heretofore characterized the deliberations of this body, will still be maintained.

Representatives, as we are, of the people of a Territory whose prosperity is unparalled in the history of Territories—of a Territory so beautiful in scenery, so rich in soil, and so vast in resources, that it shadows forth a State that must, ere long, become a star of the first magnitude in the banner of the Union. Our station is one of great and solemn responsibility. I doubt not you will meet it like men, and act not for yourselves, but for the welfare of the whole people.

The laws of a country are said to exert a powerful influence in giving



shape and tone to the character of its people. How important then, for the happiness and prosperity of the people, that, in the consideration of measures brought before us, we should throw aside all selfish motives—narrow views and local prejudices, and look forward in the far reaching future, and judge, if possible, of their operation and effect. To every proposed law let us apply the test—will it aid in securing the greatest good to the greatest number.

Again, gentlemen, I return you my sincere thanks for the honor you have bestowed on me. I hope it may not prove to be undeserved.

On motion of Mr. Leffler,

The Council proceeded to the election of a Secretary.

Mr. Leffler nominated J. W. Woods.

Mr. Springer nominated B. F. Wallace.

Messrs. Leffler and Bainbridge were appointed tellers.

The votes having been taken and counted, stood as follows:

J. W. Woods had 7 votes.

B. F. Wallace had 5 "

Whereupon J. W. Woods, having a majority of all the votes given, was declared to be duly elected Secretary to the Council.

On motion of Mr. Greene,

The Council proceeded to the election of Assistant Secretary.

Mr. Greene nominated Edward J. Darken.

Mr. Wallace nominated W. W. Dodge.

Messrs. Springer and Hastings were appointed tellers.

The votes having been taken and counted, stood as follows:

Edward J. Darken had 7 votes.

W. W. Dodge had 5 "

Edward J. Darken having received a majority of the votes given, was declared to be duly elected Assistant Secretary to the Council.

On motion of Mr. Hastings,

The Council proceeded to the election of one Transcribing Clerk.

Mr. Hastings nominated George S. Hampton.

Messrs. Kirkpatrick and Bailey acted as tellers.

The votes being taken and counted, stood as follows:

George S. Hampton, 10 votes,

Blank, 1 "

Thornton, 1 "

On motion of Mr. Bainbridge,

The Council proceeded to the election of second Transcribing Clerk.

Mr. Bainbridge nominated George W. Harris.

Messrs. Browne and Coop acted as tellers.

The votes being taken and counted, were

For George W. Harris, 12 votes.

Whereupon, George W. Harris, having received a majority of all the votes given, was declared duly elected.

On motion of Mr. Bailey,

The Council proceeded to the election of Sergeant-at-Arms.

Mr. Bailey nominated Samuel Parker.

Messrs. Johnston and Wallace acting as tellers.

The votes being taken and counted, stood as follows:



Samuel Parker had  
Blank,

9 votes,

3 "

Whereupon, Samuel Parker, having received a majority of all the votes given, was declared duly elected Sergeant at-Arms to the Council.

On motion of Mr. Johnston,

The Council proceeded to the election of Door-Keeper.

Mr. Johnston nominated Orrin Dodd.

Messrs. Leffler and Springer acted as tellers.

The votes having been taken and counted, stood as follows :

For Orrin Dodd,

10 votes,

" Ball,

1 vote,

Blank,

1 "

Orrin Dodd, having received a majority of all the votes given, was declared duly elected Door-Keeper of the Council.

On motion of Mr. Coop,

The Council proceeded to the election of Messenger.

Mr. Coop nominated Miles Driscoll,

Mr. Kirkpatrick nominated Philip Bennett.

Messrs. Kirkpatrick and Greene acted as tellers.

The votes having been taken and counted, stood as follows :

Miles Driscoll had

7 votes,

Philip Bennett,

5 "

Miles Driscoll, having received a majority of all the votes given, was declared duly elected Messenger to the Council.

On motion of Mr. Leffler,

The Council proceeded to the election of Fireman.

Mr. Leffler nominated Daniel Chance.

Messrs. Bailey and Bainbridge acting as tellers.

The votes being taken and counted, stood as follows :

Daniel Chance had

8 votes,

Blank,

1 vote,

Butler,

2 votes,

Prince Albert,

1 vote.

Daniel Chance, having received a majority of all the votes given, was declared duly elected Fireman to the Council.

On motion of Mr. Bailey,

The following officers, elect, were called, who appeared and were sworn into office, viz :

James W. Woods, *Secretary*.

Edward J. Darken, *Assistant Secretary*.

George S. Hampton, and

George W. Harris,

} *Transcribing Clerks*.

Samuel Parker, *Serjeant-at-Arms*.

Orrin Dodd, *Door-Keeper*.

Miles Driscoll, *Messenger*.

Daniel Chance, *Fireman*.

Mr. Coop offered the following :

*Resolved*, That Messrs. Van Antwerp & Hughes, editors of the "Iowa Capitol Reporter," do the incidental printing of the Council during the present session.



The question being upon the adoption of the resolution,

Mr. Wallace called for the yeas and nays, which were as follows:

YEAS—Messrs. Bailey, Coop, Greene, Hastings, Johnston, Kirkpatrick, Leffler, and President—8.

NAYS—Messrs. Bainbridge, Browne, Springer, and Wallace—4.

So the resolution was adopted.

Mr. Johnston offered the following:

*Resolved*, That B. F. Wallace, late Secretary of the Council be allowed the sum of \$36 00 for his attendance and services during the present session of the Council.

*Resolved*, That T. S. Parvin, late Assistant Secretary of the Council, be allowed the sum of \$30 00 for his attendance and services during the present session of the Council.

Which were adopted.

Mr. Greene offered the following:

*Resolved*, That the Secretary of the Council, be authorized to make immediate arrangements with the Post-master of Iowa City, relative to the postage on all letters, papers, and documents which may be received or transmitted by the members of the Council, through his office during the present session.

Which was adopted.

Mr. Hastings moved that the Council adjourn until 10 o'clock, to-morrow morning.

Upon which motion, Mr. Wallace called for the yeas and nays, which are as follows:

YEAS—Messrs. Bainbridge, Browne, Coop, Greene, Hastings, Johnston, Kirkpatrick, Leffler, and President—9.

NAYS—Messrs. Bailey and Wallace—2.

Whereupon the Council adjourned until to-morrow morning at 10 o'clock.

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### Wednesday Morning, Dec. 8, 1841.

The Council met pursuant to adjournment.

Mr. Brown submitted the following:

*Resolved*, By the Council and House of Representatives of the Territory of Iowa, That the Honorable O. H. W. Stull, Secretary of the Territory, be authorized to effect a loan of a sufficient amount of money to pay the respective members of both branches of the Legislative Assembly their mileage in travelling to the seat of Government the present session.

Which was read a first and second time.

Mr. Hastings moved that the resolution be laid upon the table until to-morrow; which was carried.

Messrs. Morgan and Robinson, as a committee from the House of Repre-



sentatives, waited upon the Council to inform them that the House was duly organized and ready to proceed to business.

Mr. Greene moved

That a committee be appointed to wait upon the House of Representatives to inform them that the Council is duly organized and ready to proceed to business; which was carried.

Messrs. Greene and Wallace were appointed said committee.

Mr. Springer moved, that a committee of two be appointed to act with a similar committee, upon the part of the House of Representatives, to wait upon the Governor and inform him that the two Houses are now organized and ready to receive any communication he may wish to make. Adopted.

Messrs. Springer and Bailey were appointed the committee.

Mr. Bailey submitted the following:

*Resolved*, That each member of the Council be entitled to receive, weekly, during the present session, 30 numbers of any newspaper printed in this city; or, at his discretion, a portion from all.

Mr. Greene moved to strike out 30 and insert 40.

Mr. Bainbridge moved to strike out 30 and insert 20.

The question being on striking out and inserting,

Mr. Springer moved a division of the question,

Which was had; and the question recurring on striking out 30, was decided in the affirmative.

The question being on inserting 40,

Mr. Springer called the yeas and nays, which stood as follows:

YEAS—Messrs. Coop, Greene, Johnston, Kirkpatrick, Leffler, Springer and President—7.

NAYS—Messrs. Bailey, Bainbridge, Hastings and Wallace—4.

Thereupon the resolution as amended by inserting 40, was adopted.

Mr. Browne moved the following:

*Resolved*, That a committee of three be appointed to act in conjunction with a similar committee of the House of Representatives, in framing the necessary rules for the government of the intercourse between the two Houses; and that the Secretary inform the House of Representatives of the same; which was adopted.

Messrs. Browne, Bainbridge and Hastings were appointed that committee.

Mr. Greene offered the following:

*Resolved*, That a committee of three be appointed to prepare and report a system of rules and regulations for the government of the Council;

Which was adopted.

Messrs. Greene, Wallace and Johnston were appointed said committee.

Mr. Leffler offered the following:

*Resolved*, That the Presbyterian Church, in Iowa City, have the privilege of having religious exercises, on the Sabbath, during the session, in the Council chamber;

Which, on motion of Mr. Johnston, was laid upon the table.

The following message was received from the House of Representatives, by Mr. Fales, Chief Clerk:

“MR. PRESIDENT—The House of Representatives have appointed Messrs. Robertson and Patterson, a committee to act in conjunction with a similar committee to be appointed on the part of the Council to wait upon the Gov-



ernor and inform him that the two Houses are now organized and ready to receive any communication that he may wish to make to them."

Mr. Hastings offered the following resolution :

*Resolved*, That the Secretary of the Territory be requested to furnish each member of the Council with copies of the laws enacted at the first, second, third and fourth sessions of the Legislative Assembly ; and, also, with copies of the Journals of the Council of the first, second, third and fourth sessions ;

Which was ordered to be laid upon the table until to-morrow morning.

Mr. Springer, from the joint committee appointed to wait on the Governor and inform him that the Council and House of Representatives are now organized and ready to receive any communication that he may wish to make, reported that they had performed the duty assigned them, and that his Excellency replied that he would transmit his message to both Houses at eleven o'clock.

Mr. Springer gave notice of his intention to introduce, at some future time, a bill providing for a special term of the Supreme Court, and for other purposes.

Mr. Johnston presented the petition of John Haynes, for a divorce ;

Which was read and laid upon the table.

Mr. Greene reported that the committee appointed to inform the House of Representatives of the organization of the Council, had discharged that duty.

Mr. Johnston gave notice of his intention to present the following at some future time :

Memorial for appropriation to complete Penitentiary.

Memorial for an appropriation to improve the Territorial road from Burlington to the mouth of the Des Moines river.

Resolution, requesting our Delegate to procure the survey, &c., of certain islands in the Mississippi river.

Resolution, requesting our Delegate, &c., to procure appropriations sufficient to pay the expenses of the winters of 1839 and '40, incurred by the citizens of Iowa, in the dispute with Missouri in relation to the southern boundary.

Preamble and Resolution, requesting our Delegate in Congress to use his influence to procure a donation of lands for school purposes, in the Half Breed Sac and Fox reservations.

Resolution, in relation to the purchase of Indian country.

Mr. Hastings gave notice of his intention to introduce, to-morrow, or at some future time, a bill for the observance of the Sabbath.

Mr. President announced the following annual message from his Excellency the Governor :

*Fellow-Citizens of the Council,*

*And of the House of Representatives :*

It is gratifying to me that on meeting you at this time, I am enabled to congratulate you upon the general prevalence of health among the people of the Territory during the past and present seasons, and upon the rapid increase of our population and steadily advancing improvement of our fertile and beautiful country. Abundance has crowned the labor of the husbandman, and already commerce is coming to his aid and affording a market for the surplus productions of our agriculture. For these good and gracious gifts of the Beneficent Being, to whom we are indebted for them, it is our duty sincerely to manifest our gratitude and thankfulness.



Coming, as you do, from every organized county in the Territory, bringing with you an intimate knowledge of the wants and wishes of your constituents, I do not deem it necessary to enter into a detailed recommendation of subjects of legislation requiring your attention; and I consider it the less important to do so, because the time is near at hand when, having assumed a permanent form of government, and settled the fundamental principles by which our future legislation will be governed, its enactments will be made to conform to those principles and become less subject to change.

I will, however, in conformity to usage, avail myself of this occasion, respectfully, to call your attention to some of the subjects which seem to me worthy of your consideration at this time. Among these, the one which strikes me as of paramount importance, is the legislation necessary to the ascertainment of the wishes of the people of the Territory, touching our admission into the Union of the States, as one of the confederates, in the duties and obligations of the National Government. A recent reference of this subject to the people eventuated in the expression of the unwillingness of a very considerable majority, to take upon themselves, at that time, the duties and responsibilities of a State Government; but the rapid increase of our population, and the recent legislation of Congress in relation to the future disposition of the proceeds of the sales of the public lands, will present the subject in a new aspect, and may produce a change of public sentiment upon it. I would, therefore, recommend that it be again submitted to the consideration of the people by a legislative provision requiring an expression of their wishes through the ballot-box, that their representatives may be enabled to act upon this important matter at the next session, in conformity to their clearly ascertained will.

Assembling in conformity to the proclamation of my predecessor in office, at the established seat of government, where the erection of a very important part of the public buildings is in progress, you will be enabled to satisfy yourselves by a personal inspection, whether the execution of the work and its advancement towards completion, is such as the means put at the disposal of the superintendent, authorized you to expect. You will find from the report of the Territorial Agent, that a considerable debt has been incurred in providing the means for carrying up the capitol as far as it has progressed, and will be enabled to determine whether further provision will be necessary to meet existing demands, and for completing the building, or whether the provision already made will be adequate to the accomplishment of the object in such reasonable time as will meet public expectation.

It not having been made the duty of any of the officers connected with the erection of the penitentiary, to report to the executive department, I can only inform you that from a personal inspection of the work, last summer, it appeared, as far as it had progressed, to be well and substantially executed; but the progress is not commensurate to the necessity for its completion. This proceeds from a want of means to carry it on, and I would recommend an earnest appeal to Congress for such an appropriation as will enable us speedily to complete a work so necessary to prevent this Territory from becoming the refuge of a large portion of the most corrupt and vicious population of the States. Our very limited sources of revenue and the relation in which we stand to the General Government, entitle us to demand at its hands the means of protecting ourselves from so great an evil.



Some disappointment has been felt from the failure of a recent attempt by Commissioners appointed by the President, to obtain from the Sac and Fox Indians a cession of the lands they claim in this Territory. I, however, confidently hope, that when the causes which produced that failure are understood by the President, measures will be promptly adopted to remove them, and that there will be less delay in opening the most desirable portion of their country to emigration, than would have resulted from their acceptance of the terms proposed to them in the recent negotiation. But it is probable that for a long time we shall remain subject to the evils and inconveniencies of having an Indian population on our borders—evils and inconveniencies resulting principally from their excessive and growing fondness for intoxicating drink, with which they are supplied by a depraved and vicious portion of our citizens, who, defying alike the laws of morality and of their country, furnish them the means of degradation and destruction, with a full knowledge and perfect disregard of its murderous effects upon them. To this infamous practice these unfortunate people, without exception of age or sex, are rapidly falling victims. Humanity shudders and religion weeps over the cruel and unrelenting destruction of a people so interesting, by means so dastardly and brutal, that the use of the rifle and the sword, even in a time of profound peace with them, would be comparatively merciful. Their indolent habits and aversion to labor render them peculiarly fond of artificial excitement; and when absent from the chase, they will seek it in the form of intoxication, at the expense of every comfort and every necessary they possess, their horses, their guns and their blankets are unrelentingly taken from them, in exchange for the intoxicating draught, and on terms as revolting to a sense of fair dealing, as the effects of it are to humanity and Christian benevolence. The provision made by our statute on this subject seems to be ineffectual. I cannot learn that any convictions have been had under it; the pecuniary infliction provided by it, is disregarded, and the offence continued to be perpetrated with impunity, and is increasing, the profits of it always affording a sure indemnity against the risk of conviction. I would, therefore, recommend such an amendment of the existing law on the subject, as will add imprisonment to the existing penalty, and will strictly prohibit all white persons from purchasing any articles of property from an Indian, without the written permission of the Agent appointed by the Government to take care of them, making the possession of property derived from an Indian, *prima facie* evidence of its having been obtained in violation of the law; and it seems to me it would be well to require persons found in possession of spirituous liquors, near the border and under circumstances conducing to prove their object to be to sell to the Indians, to enter into recognizance with sufficient security, to be of good behavior, and making an infraction of the laws on the subject, a cause of forfeiture of the penalty. It is believed the moral and law abiding portion of our citizens derive no pecuniary advantage from a trading intercourse with the Indians, which they would not most willingly forego, to save them from the injuries inflicted by the vicious.

There is a very industrious and valuable class of our population, who conscientiously scruple to bear arms, in whose favor there is no exemption provided by our militia laws; I would recommend that provision be made for such cases, leaving them subject in time of war to pay an equivalent for personal service.



The plan of public instruction provided by the laws of the Territory has been but very partially brought into operation, whether from a defect in the system, or from inattention on the part of the persons to whom the duty of organizing the township schools has been assigned, or both, you will probably be enabled to judge from the report of the Superintendent. I most earnestly recommend the subject to your consideration. If the system is defective it ought to be promptly altered or amended; and if those to whom the duty of carrying it into effect has been committed, cannot be induced to act under the existing provisions of the law, others should be adopted of sufficient force to ensure the performance of every duty necessary to bring it into successful operation. The subject is one upon which no delay or neglect in any department of the government, or on the part of any persons concerned in the administration of the laws for its regulations, ought to be tolerated.

The experience of the past season, has continued to demonstrate to the states and territories interested in the commerce and navigation of the Mississippi, and particularly that portion of them lying above and between the Des Moines and the Rock Island Rapids, the vast importance of a removal of these impediments to safe navigation. To the rapidly increasing agriculture of this Territory—to the exportation of its valuable mineral productions, as well as to imports, the injury occasioned by these obstructions is of great magnitude, subjecting us, (in a navigation of between two and three hundred miles) to an increase of from one to three hundred per cent, upon the amount usually paid between New Orleans and St. Louis, and other towns below the Lower Rapids. But the evil is not confined to the very heavy tax imposed upon our exports and imports, an immense amount of property is annually wrecked and totally lost on these rapids, an amount which, it is believed, if added to the increased price of freights, occasioned by them, would, within the present and past years, have been almost sufficient to make a perfect channel thro' their whole extent. It is difficult to conceive a reason for the application of the national treasures to the protection and security of the foreign commerce and coasting trade of the country, in the Harbors, Bays, and Rivers on our Atlantic border and on the Lakes, (for which millions have been expended,) which will not apply with equal force in favor of an expenditure of a few hundred thousand dollars, for permanently removing comparatively slight obstructions in the navigation of one of the noblest rivers in the world.—Believing that, as citizens of the United States, contributing our just proportion of its revenues, we have a claim upon the Government for relief from the evil thus briefly brought to your notice. I recommend a respectful but earnest appeal to Congress in behalf of your constituents, for such an appropriation for the removal of the obstructions alluded to, as will effectually protect the commerce of the Upper Mississippi against the losses and impositions to which it is now subject, from causes so easily removed by a proper application of the national means.

I have recently received a letter from the Governor of Missouri, on the subject of the boundary between that State and this Territory, in which he proposes the submission of the matter in controversy to the decision of the Supreme Court of the United States, upon a statement of facts, in the nature of an agreed case, which letter, with a copy of my answer to it, is herewith submitted for your consideration.

The excess of expenditure in former years, over and above the appropria-



tions made by Congress for the support of the Territorial Government, has given rise to a debt of between eight and ten thousand dollars, which justice to the individuals to whom it is due, requires that it should in some way be provided for, and which, with the reduced amount of the appropriation for the present year, admonishes us of the necessity of strict economy in the administration of the fund put at our disposal by the General Government.

I am, very respectfully,

Your obedient servant,

JOHN CHAMBERS.

## APPENDIX.

(1.)

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, }  
November 10th, 1841. }

To His Excellency,

The Governor of the Territory of Iowa:

SIR—The General Assembly of Missouri, for the purpose of having the question of boundary between the Territory of Iowa and this State finally adjudicated in the Supreme Court of the United States, passed an act, at the last session, directing me to cause suit to be instituted in behalf of Uriah S. Gregory, the late Collector of Clarke County, Missouri, against the persons that arrested and imprisoned him while in the discharge of his duties.

I have ascertained that the Sheriff of Van Buren County, who, with others, arrested him, resides in the Territory of Iowa; consequently any suit commenced against him will have to be commenced in that Territory. The object of this communication is to ascertain whether, if suit is thus commenced, the authorities of Iowa will cause to be made such an agreed case, on the record, as will ensure a decision of the Supreme Court of the United States on the question of boundary. I imagine the only controverted fact is that of boundary. This being the case, I see no reason, as it is desirable that the question should be speedily and finally decided by a competent tribunal, why all the necessary facts might not be agreed. If your Excellency concurs with me in this view, the Council on the part of this State will be instructed to agree the case in such form as will present the question of the boundary.

I desire to hear from you as early as will suit your convenience.

I have the honor to be, sir,

Your obedient servant,

(SIGNED)

TH. REYNOLDS,

Governor of Missouri.

(2.)

EXECUTIVE OFFICE, BURLINGTON, IOWA TERRITORY, }  
20th November, 1841. }

SIR—I have had the honor to receive your Excellency's letter of the 10th instant, advising me of the existence of an Act of the General Assembly of your State, directing you "to cause suit to be instituted in behalf of Uriah S.



Gregory, late Collector of Clark county Mo., against the persons that arrested him in the discharge of his duties, for the purpose of having the question of boundary between this Territory and Missouri finally adjudicated in the Supreme Court of the United States and as the persons proposed to be sued, reside in this Territory," you propose to ascertain whether, "the authorities of Iowa will cause to be made such an agreed case, on record, as will ensure a decision of the Supreme Court of the United States on the question of boundary." That question, it seems to me, is one over which the Territorial authorities of Iowa have no control, the boundary of the Territory, as described by law, gives limits to the exercise of jurisdiction on the part of the Territorial Government, and prescribes the local extent of its obligations to protect those who claim to be citizens of this Territory, but by an express reservation in the law organizing the Territory of Iowa, the boundary remains subject to the future control of Congress, and at the discretion of that body any portion of the country within the limits of the Territory, may be constituted a separate and distinct Government, or be attached "to any other State or Territory of the United States." If I am correct in this view of the subject, it follows that no agreement or statement of facts which the Territorial authorities could enter into, would authorize the Supreme Court to take cognizance of the question of boundary, which it is the object of the act of your Legislature to have settled by an adjudication of that Court, or render its decision, if it should do so, obligatory upon the Government of the United States, or control its legislation in prescribing a boundary for any future State or Territory, which it might be thought expedient to form within the present limits of Iowa. I doubt, too, whether under the Constitution of the United States, the Supreme Court could, even upon a case agreed and by consent of the parties, take jurisdiction of an alleged controversy between one of the States and a Territory, remaining subject to the Legislation of Congress. With these views, it only remains for me to submit your Excellency's communication to the Legislative Assembly of the Territory at its next session, and if the views of that body should differ from those I entertain on the subject, its decision shall be immediately made known to you.

I have the honor to be,

Your most ob't. servant,

JOHN CHAMBERS,

Governor of Iowa.

His Excellency.

THOMAS REYNOLDS,

Governor of Missouri,

Jefferson City, Mo.

Mr. Coop moved that 2000 copies of the Governor's Message, together with the accompanying documents, be printed for the use of the Council.

Mr. Springer moved that 1000 only be printed.

The question recurring on the printing 2000 copies,

The yeas and nays were called by Mr. Springer, and decided in the affirmative by the following vote :

YEAS—Messrs. Bainbridge, Coop, Greene, Hastings, Johnston, Leffler, Wallace and President—8.

NAYS—Messrs. Bailey, Browne, Kirkpatrick and Springer—4.

Mr. Greene gave notice of his intention to introduce, at some future time,



A bill to establish a Territorial road from Marion to Iowa City ; also,

A bill authorizing the Commissioners of Linn county to re-locate that portion of the Territorial road established from Iowa City to Priarie du Chein, that passes through the town of Marion, in said county.

Mr. Bailey presented the petition of sundry citizens of Van Buren in relation to the erection of a mill dam at Bentonsport ;

Which was referred to a committee :

Messrs Bailey, Hall and Coop, being appointed said Committee.

Mr. Hastings gave notice of his intention of introducing at some future time ;

A bill to amend an act, entitled an act to provide for the support of illegitimate children.

On motion of Mr. Browne,

The Council adjourned until 3 o'clock, P. M.

### 3 O'CLOCK, P. M.

The Council met pursuant to adjournment.

A message from the House of Representatives, was received through Mr. Fales, Chief Clerk, to inform the Council that "the House of Representatives have appointed Messrs. Hepner, Booth and Grant a committee to act in conjunction with a similar committee, appointed on the part of the Council, to draft joint rules for the government of the intercourse between the two Houses."

Mr. Hastings gave notice of introducing, at some future time,

1. A bill to make certificates of purchase of lands, from Receivers of public moneys, evidence of possession.

2. A bill to so amend an act, entitled an act, regulating conveyances, &c. "that the deed of conveyance of the husband shall be sufficient without relinquishment of dower by the wife.

3. A bill authorizing Recorders of Deeds to take acknowledgement of deeds and administer oaths.

4. A bill to amend an act, entitled "an act regulating writs of attachment."

5. A bill to so amend an act, entitled, "an act concerning judgments and executions," that real estate shall not be sold in satisfaction of any execution, unless it be sold for at least two thirds of its value.

6. A bill to repeal the 3d section of "an act to amend an act concerning executions, approved, January 13th, 1841."

7. A bill to repeal all laws, now in force in this Territory, authorizing the assessment of a POLL TAX.

8. A bill to amend the 67th section of an act regulating criminal proceedings ; approved, January 4th, 1839 : " also, to declare what crimes the term "felony" shall include.

9. A bill to incorporate the "Mechanics' Mutual Aid Association, of Iowa City."

10. A bill to incorporate the "First Universalist Society of Iowa City."

11. A bill to make the cutting of trees on the lands of another, without his implied or express assent, an offence punishable by fine and imprisonment.

Mr. Brown introduced documents relative to the petition of Heynes ;

Which were read, and, together with the petition, referred to a select



committee, composed of the delegation from Lee county, with instructions to report by bill or otherwise.

The resolution offered by Mr. Leffler, in the Morning, relative to the use of the Council Chamber, by the Presbyterian church, of this City, was taken up in course.

Mr. Hastings moved, that it be referred to a select committee.

Mr. Bainbridge moved, that the resolution be indefinitely postponed ;  
Which motion was carried.

Mr. Hastings offered the following :

*Resolved*, That Ministers of the Gospel, Members of the Bar and Editors of Newspapers, be permitted to take seats within the Bar of the Council at pleasure.

Mr. Johnston moved, to amend the resolution by striking out "Members of the Bar ;"

Which was carried.

Mr. Bailey moved, that the resolution be laid upon the table ;

Decided in the affirmative.

On motion of Mr. Greene,

The Council adjourned until 10 o'clock to-morrow morning.

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### Thursday Morning, Dec. 9, 1841.

The Council met pursuant to adjournment.

The President announced the appointment of the following Standing Committees of the Council :

*On the Judiciary*—Messrs. Johnston, Springer, and Leffler.

*On Finance*—Messrs. Leffler, Wallace, and Greene.

*On Enrollments*—Messrs. Springer, Bailey, and Johnston.

*On Internal Improvements*—Messrs. Coop, Hall, and Hastings.

*On Territorial Affairs*—Messrs. Hastings, Wallace, and Browne.

*On Schools*—Messrs. Bailey, Hastings, and Bainbridge.

*On Military Affairs*—Messrs. Browne, Coop, and Hall.

*On Claims*—Messrs. Wallace, Kirkpatrick, and Leffler.

*On Roads*—Messrs. Coop, Bainbridge, and Browne.

*On Expenditures*—Messrs. Kirkpatrick, Coop, and Bailey.

*On Incorporations*—Messrs. Greene, Bailey, and Kirkpatrick.

*On Territorial Library*—Messrs. Bainbridge, Hall, and Johnston.

*On Public Buildings*—Messrs. Hastings, Browne, and Greene.

*On Elections*—Messrs. Hall Kirkpatrick, and Greene.

*On Engrossed Bills*—Messrs. Greene, Leffler, and Wallace.

*On County and Township Boundaries*—Messrs. Bainbridge, Browne, and Springer.



Mr. Browne, from the committee appointed to act in conjunction with a committee of the House of Representative, in framing the necessary rules for the government of the intercourse between the two Houses, reported the joint rules of the last Legislative Assembly,

Which were adopted.

Mr. Greene, from the committee appointed to prepare and report a system of rules and regulations for the government of the Council, reported the rules of the last session, with sundry amendments,

Which were considered in committee of the whole.

On motion of Mr. Johnston,

The committee then rose, and had leave to sit again to-morrow.

Mr. Bailey, from the select committee to whom was referred the petition of sundry citizens of Van Buren county, reported a bill for an act, to amend an act authorizing Henry Eno and others to build a dam across the Des Moines river,

Which was read the first time, and,

On motion of Mr. Wallace,

The usual number of copies ordered to be printed.

Mr. Greene, in accordance with previous notice, introduced a bill, with leave of the Council, to appoint commissioners to establish a Territorial road from Moscow to Iowa City.

Which was read a first and second time, and,

On motion of Mr. Hastings,

Referred to a select committee, consisting of Messrs. Hastings, Greene, and Wallace.

The resolution offered yesterday, relative to a loan of money, was taken up, and,

On motion of Mr. Browne,

Read a third time, and passed.

Mr. Hastings gave notice that he should ask leave, on some future day, to introduce a bill to grant certain unsold out-lots in Iowa City for a burying ground.

On motion of Mr. Bailey,

The Council went into committee of the whole on the Governor's message, Mr. Wallace in the chair,

And after some time spent therein, the committee rose, and reported the same back to the Council, and asked to be discharged.

Mr. Browne then offered the following resolution:

*Resolved*, That so much of the Governor's message as relates to the admission of Iowa into the Union, be referred to the committee on Territorial affairs, with instructions to report by bill or otherwise.

Mr. Greene moved to amend the resolution, by adding to the committee on Territorial affairs, one member from each electoral district.

Mr. Kirkpatrick moved to amend the amendment, by adding to the committee on Territorial affairs, one member from each judicial district, instead of one from each electoral district.

And the resolution, thus amended, was adopted.

Messrs. Leffler, Greene, and Bainbridge were then added to the committee.

Mr. Coop offered the following resolution, which was adopted.



*Resolved*, That that part of the Governor's message relating to persons who conscientiously scruple to bear arms, in whose favor there is no exemption provided by our militia laws, be referred to the committee on military affairs.

Mr. Bainbridge offered the following resolution, which was adopted.

*Resolved*, That so much of the Governor's message as refers to the southern boundary line of the Territory, together with the correspondence between the Governor of Missouri, and the Governor of this Territory, be referred to a select committee, with instructions to report by bill or otherwise.

Messrs. Bainbridge, Bailey, and Johnston were appointed the committee.

On motion of Mr. Bailey,

That part of the Governor's message which relates to the capitol and penitentiary, was referred to the committee on public buildings.

On motion of Mr. Hastings,

That part of the Governor's message relative to the sale of spirituous liquors to the Indians, was referred to the committee on military affairs;

And also, that part which relates to schools, to the committee on schools;

And also, that part which relates to Indian treaties, to the committee on Territorial affairs.

On motion of Mr. Bailey,

That part of the Governor's message which relates to Territorial debts, was referred to the committee on finance.

Mr. Springer, in accordance with previous notice, had leave, and introduced,

A bill providing for a special term of the Supreme Court, and for other purposes.

Which was read a first and second time, and, on motion,

Referred to the committee on the judiciary.

Mr. Johnston, in accordance with previous notice, had leave, and introduced,

A memorial for an appropriation to improve the Territorial road from Burlington to the mouth of the Des Moines river.

A memorial for an appropriation to complete the penitentiary.

A joint resolution requesting our Delegate to procure the survey, &c., of certain islands in the Mississippi river,

Which were read a first and second time.

A resolution requesting our Delegate to procure an appropriation to defray the expenses incurred in the winter of 1839 and '40, in relation to the southern boundary,

Which was read a first and second time, and referred to a select committee composed of Messrs. Browne, Coop, and Hastings.

A preamble and resolution for a donation of land for school purposes, in the half-breed Sac and Fox reservation,

Which was read a first and second time.

Mr. Leffler offered the following resolution, which was adopted:

*Resolved*, That so much of the Governor's message as refers to the obstructions of navigation in the Mississippi river, be referred to the committee on Territorial affairs, with instructions to report by memorial or otherwise.

Mr. Johnston gave notice that he should, on some future day, ask leave to introduce a bill to amend the law relating to divorce.



On motion of Mr. Johnston,  
Leave of absence was granted to Mr. Hastings.

On motion of Mr. Coop,  
The Council adjourned until 10 o'clock, to-morrow morning.

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### Friday Morning, Dec. 10, 1841.

The Council met pursuant to adjournment.

A message was received from the Governor, by Mr. Stull, Secretary of the Territory, on the subject of title deeds to lots in the city of Iowa.

The message was read, and is as follows :

*Executive Office, Iowa Territory, Dec. 9, 1841.*

TO THE COUNCIL AND HOUSE OF REPRESENTATIVES :

*Gentlemen* :—An application to execute deeds of conveyance to some of the purchasers of lots in Iowa City, has drawn my attention to the several legislative acts which relate to that subject; and upon a comparison of their provisions, I find that by the 3d section of the act of the 17th of January, 1840, entitled "An act to provide for the execution of title deeds to lots in the city of Iowa," it is provided, that "whenever the purchase money shall be paid up in full, for the purchase of any lot or lots in the city of Iowa, and as soon as the title to said lots is bona fide obtained from the General Government, the acting Commissioner shall make out the requisite title deeds to the purchaser or purchasers for the same, in conformity with the certificate of purchase to be signed by the Governor and the seal of the Territory affixed thereto, and countersigned and acknowledged by the said acting Commissioner," (see page 111, acts 1840.) And by the 6th section of the act of 24th of July, 1840, entitled "An act directing the valuation and sale of lots in Iowa City, and to provide for executing deeds for the same," it is enacted "that whenever full payment shall have been made for any lot or lots in Iowa City, the acting Commissioner of public buildings shall give to the person or persons entitled thereto, a certificate of final payment for the same;" and by the 7th section of the same act, it is provided "that whenever any certificate of final payment for lots in Iowa City shall be presented to the Secretary of the Territory, he shall file the same in his office and make out a deed of conveyance in accordance with such certificate, which deed of conveyance shall be sealed with the seal of the Territory, signed by the Governor and countersigned by the Secretary of the Territory, and when thus executed, shall convey to the grantee a title in fee simple to the lots therein described;" and by the 8th section of that act, it is made the duty "of the Secretary of the Territory to keep a record in his office of all deeds of conveyance made out by him under the provisions of this act." It repeals "all acts and parts of acts that are in controvention" of its provisions, (see page 6, acts of July session 1840.)



By the 17th section of the act of January 10th, 1841, entitled "an act providing for the appointment of a superintendent of public building at Iowa City, and the appointment of a Territorial agent, and for other purposes," it is provided "that the duties required by the third section of "an act entitled an act to provide for the execution of title deeds to lots in Iowa City, and for other purposes, shall hereafter be performed by the Territorial agent," &c. (See page 61, acts of 1840-41.)

The effect of this last act is to revive the third section of the act of the 17th January 1840, requiring the Superintendant (or now, in his stead, the Territorial agent) upon the receipt of full payment for any lot, to make out and countersign a deed of conveyance for it, to the purchaser, to be signed by the Governor, and the revival of that section in effect defeats the provision of the act of July 1840, requiring the certificates of payment to be filed in the office of the Secretary of the Territory, and the deeds *to be made out by him* to be recorded in his office. It seems probable that the revival of the third section of the act of January 1840, was made without adverting to the provisions of the act of July of that year, and as it removes that salutary check upon the agent which requires his certificates of payment to be filed with another officer of the Government, and leaves the holders of deeds for lots in this city without any provision for recording them, I would respectfully submit to your consideration, the propriety of such a modification of these laws, as will restore the provisions of the act of July 1840, or require the filing of the certificates of payment in some one of the public offices, other than that from which they emanate, and [direct the title deeds to be recorded.

Respectfully,

Your ob't servant,

JOHN CHAMBERS.

On motion of Mr. Springer,

Referred to the committee on the judiciary.

Mr. Coop offered the following resolution :

*Resolved*, That L. B. Hughes be allowed the sum of six dollars for services rendered, two days, as *pro tem*. Serjeant at Arms at the commencement of the session of 1840 and '41.

The resolution was adopted.

Mr. Bainbridge offered the following resolution :

*Resolved*, That the printing of the daily slips, of the proceedings of the Council, be dispensed with in future.

On this resolution, the yeas and nays were called.

Those who voted in the affirmative, are

Messrs. Bainbridge, Browne, Kirkpatrick, Springer and Wallace—5.

Those who voted in the negative, are

Messrs. Bailey, Coop, Greene, Johnston, Leffler and Mr. President—6.

Mr. Kirkpatrick offered the following resolution :

*Resolved*, That there be added to the standing committees of this Council, one more committee to be denominated the committee on agriculture.

The resolution was adopted, and

Messrs. Kirkpatrick, Springer and Coop, were appointed said committee.

Mr. Leffler offered the following resolution :

*Resolved*, That the committee on Territorial affairs, to whom was referred



so much of the Governor's message as relates to the obstructions of navigation in the Mississippi river, be instructed to report, to this body, an address to the several Legislative Assemblies of the States of Missouri and Illinois, and Territory of Wisconsin, with the view of securing their United action upon said subject.

The resolution was adopted.

Mr. Johnston offered the following resolution :

*Resolved*, That a committee be appointed to inquire into the expediency of memorializing Congress on the subject of a purchase of lands from the Sac and Fox nations of Indians, and that they report by memorial or otherwise.

The resolution was adopted; and

Messrs. Johnston, Wallace and Kirkpatrick, were appointed the committee

Mr. Bailey gave notice that he would, on some future day, ask leave to introduce bills on the following subjects :

A bill to change the manner of assessing real and personal property, so that the respective townships shall choose, at each annual township election, persons to assess the property of their respective townships.

A bill to change the manner of collecting county revenue.

A bill to dispense with the attendance of Sheriffs' on the Boards of county Commissioners, in the several counties in this Territory.

A bill to prevent the cost of unsuccessful criminal prosecutions from falling on the counties.

A bill to reduce the fees of county officers.

A bill amendatory of an act, entitled "an act to authorize John K. Sparks, and his associates, to erect a dam across the Des Moines river."

A message from the House of Representatives, by Mr. Fales, their Clerk :

"Mr. PRESIDENT—The House of Representatives have adopted the joint rules for the government of the intercourse between the two Houses, as reported by the joint committee.

"The House have concurred in the resolution of the Council, authorizing the Secretary of the Territory to effect a loan of money to pay the mileage of the members of the two Houses.

"The memorial for an appropriation to complete the Penitentiary ; and

"The memorial for an appropriation to improve the Territorial road from Burlington to the mouth of the Des Moines river,

"Were ordered to be engrossed for a third reading on tomorrow.

"The resolution relative to a donation of lands, for school purposes, in the Half Breed Sac and Fox reservation, was ordered to be engrossed and read a third time on Monday next.

"The resolution relative to the survey of certain Islands in the Mississippi river, was ordered to be engrossed and read a third time on Tuesday next."

On motion of Mr. Johnston,

The Council went into committee of the whole, on the rules for the government of the Council, Mr. Bailey in the chair ; and after some time spent therein, the committee rose, and reported to the Council sundry amendments,

Which were concurred in.

On motion of Mr. Johnston,

Twenty-six copies of the rules were ordered to be printed for the use of the Council.

Mr. Greene, on leave from the Council,



Introduced a bill for the relocation of part of the Territorial road from Iowa City to Priarie du Chien ;

Which was read a first and second time, and ordered to be engrossed for a third reading on Monday next.

Mr. Kirkpatrick offered the following resolution :

*Resolved*, That the Secretary of the Territory be requested to furnish, for the use of the Council, one copy of "Newhall's Sketches and Map of Iowa," for each member.

Mr. Springer moved, to amend the resolution by inserting "one copy for the use of the Council, to be deposited in the Territorial Library at the close of the session."

On this amendment, the yeas and nays were called by Mr. Wallace.

Those who voted in the affirmative, are

Messrs. Bailey, Browne, Johnston and Springer—4.

Those who voted in the negative, are

Messrs. Bainbridge, Coop, Greene, Kirkpatrick, Leffler, Wallace and Mr. President—7.

So the amendment was lost.

Mr. Leffler moved, to amend the resolution by adding "which, at the end of the session, shall be deposited in the Territorial Library for the use of the next Legislature ;"

And the amendment was adopted.

The question was then taken on the resolution as amended, and the yeas and nays being called by Mr. Springer,

Those who voted in the affirmative, are

Messrs. Bailey, Browne, Coop, Greene, Johnston, Kirkpatrick, Leffler and Mr. President—8.

Those who voted in the negative, are

Messrs. Bainbridge, Springer and Wallace—3.

On motion of Mr. Kirkpatrick,

The Council adjourned until two o'clock, P. M.

2 O'CLOCK, P. M.

The Council met pursuant to adjournment.

A message from the House of Representatives, by Mr. Fales, their Clerk:

"Mr. PRESIDENT—The House of Representatives have passed—

No. 2, House of Representatives file, entitled "a joint resolution relative to the carrying of the mail from Iowa City to Keosauqua,"

In which the concurrence of the Council is requested.

The resolution was read, and,

On motion of Mr. Greene,

It was read a second time by its title.

On motion of Mr. Springer,

The Council proceeded to consider the said joint resolution, as in committee of the whole, Mr. Leffler in the chair ;

And after some time spent therein, it was reported to the Council with several amendments thereto ;

Which were concurred in.

Mr. Bainbridge moved to amend the resolution by inserting after the words



Linn county, "leaving Dubuque every Monday morning during the session,"

Which was agreed to.

Mr. Bailey moved, further to amend it by inserting, in the first section, after the word Keosauqua, "via, Winchester ;"

Which was agreed to

On motion of Mr. Springer,

The rules were suspended, and the resolution was read a third time.

The question was then taken on its passage, and the yeas and nays being called by Mr. Kirkpatrick ;

Those who voted in the affirmative, are

Messrs. Bailey, Bainbridge, Coop. Greene, Wallace and Mr. President—6.

Those who voted in the negative, are

Messrs. Browne, Kirkpatrick, Leffler and Springer—4.

Mr. Bainbridge offered the following as an additional rule for the Council ;

Which was adopted :

RULE 40. No member shall vote on any question, in the event of which he is immediately and particularly interested, or in any case where he was not present when the question was put.

Mr. Springer gave notice that he should, on some future day, ask leave to introduce a memorial to the Congress of the United States, praying the establishment of a mail route from Iowa City, in Johnson county, via Washington, in Washington county, to Mount Pleasant, in Henry county.

Mr. Greene, from the Committee on engrossed bills, reported as correctly engrossed,

No. 1, Council file, A memorial for an appropriation to improve the Territorial road from Burlington to the mouth of the Des Moines river ; and

No. 2, Council file, A memorial for an appropriation to complete the Penitentiary.

Mr. Greene gave notice that he should, on some future day, ask leave to introduce a memorial to Congress for an appropriation to improve the Territorial road from Iowa City to Prairie du Chien ; also,

A memorial to congress for an appropriation to improve the navigation of the Iowa and Cedar rivers.

On motion,

The Council adjourned until 10 o'clock on Monday next.



**Monday Morning, Dec. 13, 1841.**

The Council met pursuant to adjournment.

On motion of Mr. Springer,

The Journal of Friday last was amended by striking out the words "with instructions to report by bill or otherwise," from the motion by which the Governor's message, on the subject of title deeds to lots in Iowa City, was referred to the committee on the judiciary.

The President presented the report of Jesse Williams, Territorial agent ; also,

The report of Chauncy Swan, Superintendent of public buildings at Iowa City. (*See Appendix.*)

On motion of Mr. Johnston,

Fifty copies of each report were ordered to be printed.

Mr. Browne offered the following resolution :

*Resolved*, That the committee on finance be instructed to enquire into the expediency of so amending the law regulating the fees of the several officers of this Territory, as will reduce them to a proper standard.

The resolution was adopted.

Mr. Springer presented the following preamble and resolution :

Whereas, the county of Washington, in this Territory, containing an intelligent population of two thousand inhabitants, is almost entirely destitute of mail facilities ; and whereas, the only mail the seat of justice of said county receives, is by way of a branch route from Wapello, in the county of Louisa, once in two weeks :

And, whereas, there is an extensive settlement on English river, in said county of Washington, some ten miles distant from the nearest post route : therefore :

*Resolved*. By the Council and House of Representatives of the Territory of Iowa, That the Hon. A. C. Dodge, our Delegate in Congress, be requested to use his influence in procuring the establishment of a mail route from Iowa City, in Johnson county, to Mount Pleasant, in Henry county, through the settlement on English river, and the county seat of Washington county.

*Resolved*, That his Excellency, the Governor, be requested to forward one copy of the foregoing resolution to the President of the Senate, one copy to the Speaker of the House of Representatives, and one copy to our Delegate in Congress.

The preamble and resolution having been twice read,

On motion of Mr. Springer,

Ordered, that the same be engrossed and read the third time to-morrow.

Mr. Browne presented the following resolution :



*Resolved*, That the committee on the judiciary be instructed to enquire into the expediency of so amending the first section of the act, entitled "an act for the benefit of the settlers, &c., on the Half Breed lands," approved December 6, 1839, as will secure to the settlers the value of their respective improvements before they are required to quit possession.

The resolution was adopted.

Mr. Kirkpatrick presented the following resolution :

*Resolved*, That the committee on the judiciary be instructed to enquire into the propriety of examining and reporting the bill of the last session of this Legislature, regulating the practice in justices courts, &c, and that they report by bill or otherwise.

The resolution was adopted.

Mr. Coop gave notice that he would, on some future day, ask leave to introduce the following bills and memorials, to wit :

A bill to amend the militia laws of this Territory.

A bill to attach the Indian agency, near the Des Moines river, to the county of Jefferson, for judicial purposes.

A memorial to Congress on the subject of establishing a mail route from Fort Madison, Lee county, to Fairfield, Jefferson county. Also,

A memorial to Congress to establish a mail route from Iowa city to Iowa-ville, via Washington, Brighton in Washington county, and Fairfield in Jefferson county, to Iowaville in Van Buren county.

Mr. Johnston presented the following resolution :

*Resolved*, that a committee be appointed to enquire into the expediency of procuring a survey for a steam boat canal around the lower rapids of the Mississippi, by memorializing Congress, or otherwise.

The resolution was adopted, and Messrs. Johnston, Bainbridge and Wallace were appointed said committee.

Mr. Johnston presented the annual reports of the Director, Superintendent and Warden of the penitentiary ;

Which were referred to the committee on public buildings. (*See Appendix.*)

Ordered, that fifty copies of the Director's report be printed for the use of the Council.

On motion of Mr. Browne,

Mr. Johnston was added to the committee on public buildings.

Mr. Greene, from the committee on engrossed bills, reported, as correctly engrossed,

Council file, No. 2. Resolution requesting Delegate to procure survey, &c. of certain Islands in the Mississippi ;

Council file, No. 3. Preamble and resolution requesting Delegate to use his influence to procure a donation of lands, for school purposes, in the Half Breed Sac and Fox reservation ; and

Council file, No. 4, A bill authorizing the commissioners of Linn county to re locate part of the Territorial road from Iowa City to Prairie du Chien.

Mr. Bainbridge, from the select committee to whom was referred that portion of the Governor's message relative to the southern boundary line of the Territory, together with the correspondence of the Governor of Missouri, and Governor of this Territory, on the subject, reported

That they had had the same under consideration, and are of the opinion



that the matter in dispute is one over which the Territorial authorities have no control ; consequently no agreed case between the authorities of Missouri and this Territory (with all due deference to the opinion of the authorities of Missouri) could enable the Supreme Court of the United States to take cognizance of a matter belonging, as this does, exclusively to another branch of the Government, the Congress of the United States.

The committee, therefore, recommend the adoption of the following joint resolution, and ask to be discharged from the further consideration of the subject :

*Resolved*, By the Council and House of Representatives of the Territory of Iowa, That the views expressed by his Excellency, Governor Chambers, in his letter to the Governor of Missouri, on the subject of the southern boundary line of this Territory, are entirely the views entertained by this body on the subject.

The Council concurred in the report.

The Joint resolution was read the first and second time, and

Ordered to be engrossed for a third reading to-morrow.

Mr. Greene introduced a memorial to Congress for an appropriation of ten thousand dollars to improve the Territorial road from Iowa City to Prairie du Chien :

Which was read the first and second time, and

Ordered to be engrossed for a third reading to-morrow.

Mr. Springer, from the judiciary committee, to whom was referred the special message of the Governor concerning deeds of conveyance for lots in Iowa City, reported

A bill for "an act, supplementary to an act, providing for the appointment of a Superintendent of public buildings at Iowa City, and the appointment of a Territorial agent, and for other purposes ;"

Which was read the first and second time, and ordered to be printed.

Mr. Springer, from the committee on enrollments, reported as correctly enrolled,

A joint resolution authorizing the Secretary of the Territory to effect a loan of money to pay the members of both branches of the Legislature their mileage.

Mr. Greene offered the following resolution :

*Resolved*, That the standing committee on engrossed bills be dispensed with.

On motion of Mr. Browne,

The resolution was indefinitely postponed.

Mr. Wallace offered the following resolution :

*Resolved*, That a committee be appointed, whose duty it shall be to ascertain whether either of the editors in this city will print the Journals of the Council at the price usually allowed, and furnish the daily slips free of charge.

On motion of Mr. Bailey,

The resolution was laid upon the table, subject to the order of the Council.

Mr. Browne, from the committee on Territorial affairs, to whom was referred that part of the Governor's message which relates to the admission of Iowa into the Union, reported

A bill to provide for the expression of the opinion of the people of the Territory of Iowa, as to taking preparatory steps for their admission into the Union;



Which was read the first and second time, and,

On motion by Mr. Johnston,

Ordered to be printed.

Mr. Browne, from the same committee, to whom was referred that part of the Governor's message which relates to the sale of spirituous liquors to the Indians, reported,

A bill to amend "an act to prevent the selling of spirituous liquors to the Indians, and for other purposes ;"

Which was read a first and second time, and referred to the committee on the judiciary.

On motion of Mr. Bailey,

The usual number of copies were ordered to be printed.

Mr. Browne, from the committee on military affairs, reported, a bill to amend "an act to organize, discipline, and govern the militia of this Territory ;"

Which was read a first and second time, and,

On motion of Mr. Johnston,

The usual number of copies were ordered to be printed.

Mr. Johnston made the following report:

The committee on the judiciary, to whom was referred "a bill providing for a special term of the supreme court, and for other purposes," report the same back to the Council without amendment, recommend its passage, and ask the adoption of the following resolution:

*Resolved*, That the committee be discharged from the further consideration of the subject.

The Council concurred in the report and the resolution was adopted.

On motion of Mr. Bailey,

Ordered, That the bill be laid upon the table, subject to the order of the Council.

On motion of Mr. Johnston,

The memorial for an appropriation to improve the Territorial road from Burlington to the mouth of the Des Moines river ;

The memorial for an appropriation to complete the penitentiary ; and

The preamble and resolution relative to a donation of lands for school purposes in the half-breed Sac and Fox reservation,

Were severally read a third time, and passed.

On motion of Mr. Johnston,

The resolution requesting our Delegate in Congress to procure a survey of certain islands in the Mississippi river, was read a third time and passed.

On motion of Mr. Greene,

The bill to authorize the re-location of part of the Territorial road from Iowa City to Prairie du Chien, was read the third time and passed.

Mr. Greene introduced, in accordance with previous notice, a joint resolution requesting our Delegate to procure the establishment of a mail route from Iowa City, via Marion, to Dubuque ;

Which was read a first and second time, and ordered to be engrossed and read the third time to morrow.

Mr. Johnston, from the select committee to whom the subject was referred, reported.

A bill for an act to divorce John Haynes from Celia Haynes ;



Which was read a first and second time, and ordered to be laid on the table, subject to the order of the Council.

Mr. Bailey, in pursuance of notice previously given, introduced a bill to amend "an act to authorize John R. Sparks, and others, to erect a dam across the Des Moines river;

Which was read a first and second time, and ordered to be engrossed for a third reading to-morrow.

On motion of Mr. Johnston,

The Council adjourned until 10 o'clock to-morrow morning.

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### **Tuesday Morning, Dec. 14, 1841.**

The Council met pursuant to adjournment.

Mr. Browne presented the following report:

The select committee to whom was referred a joint resolution requesting our Delegate in Congress to procure an appropriation sufficient to pay the expenses incurred in the winter of 1839 and '40, incurred in the dispute with Missouri, in relation to the southern boundary, beg leave to report by memorial, and ask the passage of the same, and that they may be discharged from a further consideration of the subject.

The memorial was read a first and second time, and ordered to be engrossed for a third reading to-morrow.

Mr. Bailey offered the following resolution, which was adopted:

*Resolved*, That there be select committee of three appointed, composed of one from each judicial district, whose duty it shall be to collect all the information they can from various parts of the Territory, relative to establishing new mail routes; also, to inquire into the propriety of vacating certain routes, and increasing the facilities for transporting the mail on routes already established by law; and report by memorial, or otherwise, at their earliest convenience.

Messrs. Bailey, Greene, and Kirkpatrick were appointed said committee.

Mr. Springer offered the following joint resolution:

No. 12, Council file, Joint resolution instructing J. T. Fales and J. W. Woods to employ special messengers to carry letters, &c., from Iowa City to Keosauqua, &c.

The resolution having been read a first and second time, the Council proceeded to consider the same as in committee of the whole, Mr. Browne in the chair;

And after some time spent therein, it was reported to the Council with amendments;

Which were concurred in.

On motion of Mr. Springer,



The rules were suspended, and the resolution was read a third time.

The question was then taken on its passage, and, the yeas and nays being desired by Mr. Kirkpatrick, it was determined in the affirmative.

Those who voted in the affirmative, are

Messrs. Bailey, Bainbridge, Browne, Coop, Greene, Hall, Johnston, Leffler, Springer, Wallace and President—11.

In the negative—

Mr. Kirkpatrick—1.

Mr. Browne offered the following resolution, which was adopted.

*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of so amending the practice act, as to permit the plaintiff to swear to his demand, and the defendant to swear to his offset: and further, that the said committee be instructed to inquire into the expediency of so amending the justice's act, as to make it obligatory on the plaintiff, when he commences his action, to file with the justice, in writing, a plain statement of his demand, before the suit is docketed or process issued.

Mr. Greene, from the Committee on engrossed bills, reported as correctly engrossed,

No. 3, Council file, A memorial to Congress for an appropriation of ten thousand dollars to improve the Territorial road from Iowa City to Prairie du Chien;

No. 8, Council file, A bill amendatory to an act entitled, an act to authorise John R. Sparks, and his associates to erect a dam across the Des Moines river.

No. 4, Council file, Preamble and joint resolution relative to the establishment of a mail route from Iowa City to Mount Pleasant;

No. 5, Council file, Joint resolution relative to the establishment of a mail route from Iowa City, via Marion, to Dubuque; and

No. 9, Council file, Preamble and resolution relative to the southern boundary line of this Territory.

Mr. Coop, agreeable to notice, had leave and introduced a bill to attach the Indian agency to the county of Jefferson;

Which was read a first and second time, and,

On motion of Mr. Coop,

Referred to the committee on the judiciary.

Mr. Greene gave notice that he should, on some future day, ask leave to introduce the following bills and memorials:

A bill to locate and establish a Territorial road from Marion, in Linn county, to Bellview, via Edinburgh.

A bill to amend an act entitled, an act for opening and regulating roads and highways.

Memorial to Congress for an appropriation to improve the bridge across the Wapsepinacon river, where the Territorial road crosses.

Memorial to the Postmaster General for the establishment of certain post offices.

Memorial to Congress for the establishment of a land office at Marion, in Linn county.

Mr. Johnston, from the committee on the judiciary, to whom was referred a resolution relative to the propriety of examining and reporting the bill of



the last session regulating the practice in justice's courts, &c., submitted the following report:

That they have made diligent search and inquiry for the bill referred to in the above resolution, and are unable to find the same; and that, in addition to this fact, they deem it inexpedient to report a new law relating to the duties of justices of the peace, at the present session, the law on that subject now in force, being well understood by the people, and those whose duty it is to act under its provisions; and that, if properly amended, it will sufficiently meet the wants and wishes of the people for the present.

They, therefore ask the adoption of the following resolution:

*Resolved*, That the committee on the judiciary be discharged from the further consideration of the subject.

The report was concurred in, and the resolution adopted.

Mr. Coop offered the following resolution:

*Resolved*, That there be printed 100 additional copies of the report communicated to the Council on yesterday by Jesse Williams, Territorial agent, for the use of the Council.

Mr. Springer moved to amend the resolution, so as to include the accompanying documents, and the report of Chauncy Swan, superintendent;

And the resolution, thus amended, was adopted.

No. 8, Council file A bill amendatory to an act to authorise John R Sparks and his associates to erect a dam across the Des Moines river, was read a third time and passed.

Ordered, That the Secretary notify the House of Representatives accordingly.

No. 3. Council file, Memorial to Congress for an appropriation of ten thousand dollars to improve the Territorial road from Iowa City to Prairie du Chien, was read a third time and passed.

Ordered, That the Secretary inform the House of Representatives accordingly.

No. 4, Council file, Preamble and joint resolution requesting our Delegate in Congress to use his influence to procure the establishment of a mail route from Iowa City to Mount Pleasant, was read a third time and passed.

Ordered, That the Secretary notify the House of Representatives accordingly.

No. 5, Council file, Joint resolution requesting our Delegate to procure the establishment of a mail route from Iowa City, via Marion, to Dubuque, was,

On motion,

Referred to a select committee on mail routes, consisting of Messrs. Bailey, Greene, and Kirkpatrick.

No. 9, Council file, Preamble and resolution in relation to the southern boundary line of this Territory, was read a third time and passed.

Ordered, That the Secretary notify the House of Representatives accordingly.

Mr. Hall gave notice that he should, at some future time, ask leave to introduce a memorial to the Congress of the United States, asking an appropriation in money to be expended on the National road between Iowa City and the southern boundary line of this Territory.

No. 10, Council file, A bill for an act to divorce John Haynes from Celia Haynes, was taken from the table, and,



On motion of Mr. Johnston,

Read a third time.

The question being on the passage of said bill, Mr. Springer called the yeas and nays, which were as follows:

YEAS—Messrs. Bainbridge, Browne, Coop, Hall, Johnston, Leffler, and Wallace—7.

NAVS—Messrs. Bailey, Greene, Kirkpatrick, Springer, and President—5.

So said bill was passed.

Ordered, That the Secretary notify the House of Representatives accordingly.

Mr. Bailey, in accordance with previous notice, asked and obtained leave to introduce [a bill, Council file, No. 14, amendatory to] an act entitled an act organizing a board of county commissioners in each county in this Territory,

Which was read a first time, and,

On motion,

Laid on the table.

Mr. Johnston, in accordance with previous notice, asked and obtained leave to introduce,

No. 15, Council file, Resolution in relation to purchase of Indian country,

Which was read a first and second time, and,

On motion,

The rules were suspended, and said resolution was read a third time and passed.

Ordered, That the Secretary notify the House of Representatives accordingly.

A message from the House of Representatives, by Mr. Fales, their Clerk:

“Mr. PRESIDENT—I herewith return for your signature—

A joint resolution authorizing the Secretary of the Territory to effect a loan of money, to pay the members of both branches of the Legislature their mileage.

The same having been signed by the Speaker of the House of Representatives.”

On motion,

The Council adjourned until 10 o'clock, to-morrow morning.



**Wednesday Morning, Dec. 15, 1841.**

The Council met pursuant to adjournment.

Mr. Coop offered the following resolution, which was adopted:

*Resolved*, That the select committee on mail routes be instructed to inquire into the expediency of including, in a memorial to Congress on the subject, the following routes, to wit:

From Fort Madison, in Lee county, to Fairfield, in Jefferson county; also,

From Iowa City, in Johnson county, to Iowaville, in Van Buren county, via Washington and Brighton, in Washington county, and Fairfield, in Jefferson county.

Mr. Springer, from the joint committee on enrollments, reported, that he had, on yesterday, presented to the Governor, for his signature—

No. 1, Council file, A joint resolution authorizing the Secretary of the Territory to effect a loan of money, to pay the members of both branches of the Legislative Assembly their mileage.

Mr. Johnston, from the committee on the judiciary, to whom was referred a bill to attach the Indian agency to the county of Jefferson, reported a substitute therefor, entitled,

A bill for an act to attach the Indian country, lying west and north, to the several organized counties of this Territory which it adjoins, for judicial purposes;

Which was read, and laid on the table.

Ordered, That the usual number of copies be printed.

Mr. Johnston, from the committee on the judiciary, reported a bill to change the time of holding the district court in the second judicial district;

Which was read, and ordered to be printed.

The President laid before the Council a communication from William J. A. Bradford, prosecuting officer for the third judicial district, on the subject of his compensation;

Which was read, and referred to the committee on the judiciary.

On motion of Mr. Johnston,

Ordered, That the members from Dubuque and Jackson counties be added to said committee.

The President laid before the Council the annual report of Morgan Reno, the Librarian; (*See Appendix.*)

Which was read, and referred to the committee on the Library.

Mr. Greene, from the committee on engrossed bills, reported, as correctly engrossed,

No. 11, Council file, Memorial to Congress praying an appropriation to defray the expenses growing out of the dispute between the Territory of Iowa and the State of Missouri, in relation to the southern boundary line.

p 249-254 both duplicate pages.



On motion of Mr. Springer;

The Council proceeded to consider, as in committee of the whole, a bill to amend "an act providing for the appointment of a Superintendant of Public Buildings at Iowa City, and the appointment of a Territorial Agent, and for other purposes," Mr. Bainbridge in the chair;

And after some time spent therein, the bill was reported to the Council with an amendment; which was concurred in.

Ordered, that the same be engrossed and read the third time to-morrow.

Mr. Bainbridge gave notice that he should, on to-morrow, or some future day, ask leave to introduce

A memorial to Congress for the improvement of the harbor of Dubuque.

No. 5, Council file, A bill to provide for the expression of the opinion of the people of the Territory of Iowa, as to taking preparatory steps for their admission into the Union, was,

On motion of Mr. Hastings,

Referred to the committee on Territorial affairs.

Mr. Greene, in accordance with previous notice, asked and obtained leave to introduce

No. 18, Council file, A memorial to Congress for an appropriation of fifty thousand dollars to improve the navigation of the Iowa and Cedar rivers;

Which was read a first and second time, and,

On motion of Mr. Greene,

Ordered to be engrossed for a third reading on to-morrow.

No. 11, Council file, A memorial to Congress for an appropriation to defray the expenses growing out of the dispute between the Territory of Iowa and the State of Missouri in relation to the southern boundary line, was read a third time and passed.

Ordered, That the Secretary notify the House of Representatives accordingly.

Mr. Wallace moved to take the resolution from the table, authorizing the appointment of a committee, whose duty it shall be to ascertain whether either of the editors in this city will print the journals of the Council, at the price usually allowed, and furnish the daily slips free of charge.

Upon which, Mr. Bainbridge called the yeas and nays.

Mr. Hastings moved a call of the Council.

Which was ordered, and, on the Secretary calling the roll, Mr. Coop was absent.

The absentee appearing.

On motion of Mr. Johnston,

A further call of the Council was dispensed with.

The question being upon taking the resolution from the table, the vote stood as follows:

YEAS—Messrs. Bainbridge, Browne, Hall, Kirkpatrick, Springer, and Wallace—6.

NAYS—Messrs. Bailey, Coop, Greene, Hastings, Johnston, Leffler, and President—7.

So the Council refused to take said resolution from the table.

On motion,

The Council adjourned until 10 o'clock, to-morrow morning.



**Thursday Morning, Dec. 16, 1841.**

The Council met pursuant to adjournment.

Mr. Hastings, by unanimous consent, introduced

No. 19, Council file, A joint resolution authorizing payment to Messrs. Russell & Hughes, and William W. Coriell, for printing the journals of the Council and House of Representatives, of the session of 1840 and '41.

The resolution was read a first and second time, and referred to the committee on claims.

Mr. Greene, from the committee on engrossed bills, reported, as correctly engrossed,

No. 18, Council file, Memorial to Congress for an appropriation of fifty thousand dollars to improve the navigation of the Iowa and Cedar rivers, and

No. 3, Council file, A bill to be entitled "an act supplementary to an act providing for the appointment of a Superintendent of Public Buildings at Iowa City, and the appointment of a Territorial Agent, and for other purposes."

Mr. Hastings, agreeable to notice, asked and obtained leave to introduce

No. 20, Council file, A bill to incorporate the Mechanics' Mutual Aid Association of Iowa City;

Which was read a first and second time, and,

On motion of Mr. Springer,

Referred to the committee on incorporations.

Mr. Johnston, from the judiciary committee, reported

No. 6, Council file, A bill to amend "an act to prevent the selling of spirituous liquors to the Indians, and for other purposes," with several amendments.

On motion of Mr. Wallace,

The Council proceeded to consider said bill as in committee of the whole, Mr. Coop in the chair;

And after some time spent therein, it was reported to the Council, with an amendment;

Which was concurred in.

On motion of Mr. Bainbridge,

The bill was then referred to a select committee, consisting of Messrs. Bainbridge, Wallace, and Bailey.

Mr. Greene offered

No. 21, Council file, A joint resolution requesting our Delegate in Congress to procure an appropriation to defray the expenses of a convention for the formation of a State constitution;

Which was read a first and second time, and ordered to be engrossed and read the third time to-morrow.



Mr. Coop, agreeably to notice, asked and obtained leave to introduce

No. 22, Council file, A bill to amend the militia law ;

Which was read a first and second time, and,

On motion of Mr. Greene,

Ordered, That the usual number of copies be printed.

Mr. Greene, agreeably to notice, asked and obtained leave to introduce

No. 23, Council file, A bill to establish and locate a Territorial road from Marion, in Linn county, to Bellview, via Edinburgh ;

Which was read a first and second time, and ordered to be engrossed and read the third time to-morrow.

Mr. Hall gave notice that he should, on to-morrow, or some future day, ask leave to introduce

A bill to increase the jurisdiction of justices of the peace in this Territory.

On motion,

The Council adjourned until 10 o'clock to-morrow morning.

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### Friday Morning, Dec. 17, 1841.

The Council met pursuant to adjournment.

Mr. Johnston offered the following resolution :

*Resolved*, That the select committee on mail routes be instructed to enquire into the expediency of including, in a memorial to Congress on the subject, a mail route from Fort Madison to Iowa City, via Mount Pleasant, in Henry county.

The resolution was adopted.

Mr. Wallace, from the committee on claims, to whom was referred

Council file, No. 19, Joint resolution authorizing payment to Russell & Hughes, and W. W. Coriell for printing the Journals of the Council and House of Representatives, for the session of 1840 and '41, reported the same with an amendment ;

Which was agreed to.

On motion of Mr. Bailey,

The Council proceeded to consider, as in committee of the whole, said joint resolution, Mr. Greene in the chair ; and after some time spent therein, it was reported to the Council without amendment.

On motion of Mr. Wallace,

It was laid upon the table subject to the order of the Council.

Mr. Greene, from the committee on incorporations, to whom was referred

No. 20, Council file, A bill to incorporate the Mechanics' Mutual Aid Association of Iowa City, reported the same, with two additional sections ;

Which were agreed to.

The bill was then read the second time, and



On motion of Mr. Springer,

The Council proceeded to consider the same, as in committee of the whole, Mr. Hall in the chair; and after some time spent therein, it was reported to the Council without amendment.

On motion of Mr. Hastings,

Ordered, that the bill be engrossed and read a third time to-morrow.

Mr. Hastings, agreeably to notice, asked and obtained leave to introduce No. 24, Council file, A bill to incorporate the First Universalist Society of Iowa City;

Which was read a first and second time, and referred to the committee on incorporations.

A message from the House of Representatives, by Mr. Fales, their Clerk:

“Mr. PRESIDENT—The House of Representatives have passed

No. 7, House of Representatives file, Entitled “an act to locate a Territorial road from West Point, in Lee county, to the landing on the Des Moines river, opposite St. Francisville, Missouri, in which the concurrence of the Council is requested.

The House have also adopted the following resolution:

*Resolved*, The Council concurring herein, That the House adjourn on Wednesday, 22d instant, until Monday, the third of January 1842.”

Mr. Bainbridge offered the following resolution:

*Resolved*, That the committee on post routes be instructed to enquire into the expediency of memorializing Congress on the subject of establishing a weekly mail route between Dubuque and Iowa City, via Marion.

The resolution was adopted.

Mr. Johnston, from the judiciary committee made the following report:

The committee on the judiciary, to whom was referred the communication of W. J. A. Bradford, Esq., District Prosecutor of the 3d Judicial District, relative to the compensation of District Prosecutors, in the Territory, beg leave to report

That the whole subject of costs and fees having been referred, by a resolution of the Council, to the standing committee on finance, and as the above communication will come properly under their examination, and as it is advisable that they may have full information on this subject, they recommend the reference of said communication to said committee, and ask the adoption of the following resolution:

*Resolved*, That the committee on the judiciary be discharged from the further consideration of the subject.

On the question “will the Council concur in the report of the committee,”

It was determined in the negative.

On motion of Mr. Bailey,

Leave was given to the committee to withdraw said report.

Mr. Greene, from the committee on engrossed bills, reported as correctly engrossed,

No. 21. Council file, Joint resolution requesting our Delegate in Congress to procure an appropriation to defray the expenses of a convention for the formation of a State constitution; and

No. 23, Council file, A bill establishing and locating a Territorial road from Marion, in Linn county, to Bellview, via Edinburgh.

Mr. Hastings, agreeably to notice, asked and obtained leave to introduce



No. 25, Council file, A bill to enforce the observance of the Sabbath ;  
Which was read a first and second time ; and

On motion of Mr. Bailey,

Laid on the table, and ordered to be printed.

Mr. Johnston, from the committee on the judiciary, reported

A bill to legalize the election of George L. Coe, as Judge of Probate in Louisa county ;

Which was read the first and second times, and ordered to be engrossed and read the third time.

No. 7, Council file, A bill to amend "an act to organize, discipline and govern the militia of this Territory," was,

On motion of Mr. Wallace,

Laid upon the table, subject to the order of the Council.

No. 16, Council file, A bill for an act to attach the Indian country, lying west and north, to the several organized counties of this Territory, which it adjoins, for judicial purposes ; was

On motion of Mr. Greene,

Ordered to be engrossed and read the third time to-morrow.

No. 17, Council file, A bill to change the time of holding the District Court in the 2d Judicial District, was,

On motion of Mr. Hastings,

Laid upon the table, subject to the order of the Council.

No. 3, Council file, A bill for an act, supplementary to "an act providing for the appointment of a Superintendent of public buildings at Iowa City, and the appointment of a Territorial agent, and for other purposes,"

Was read the third time and passed.

No. 18, Council file, Memorial to Congress for an appropriation of fifty thousand dollars to improve the navigation of the Iowa and Cedar rivers ;

Was read a third time and passed.

No. 21, Council file, Joint resolution requesting our Delegate in Congress to procure an appropriation to defray the expenses of a convention for the formation of a State constitution ;

Was read a third time and passed.

No. 23, Council file, A bill to establish and locate a Territorial road from Marion, in Linn county, to Bellview, via Edinburgh ;

Was read a third time and passed.

Ordered, That the Secretary notify the House of Representatives accordingly.

No. 7, House of Representatives file, An act to locate a Territorial road from West Point, in Lee county, to the landing on the Des Moines river opposite St. Francisville, Missouri ;

Was read a first and second time, and on the question, shall the bill be read a third time on to-morrow,

The yeas and nays were called by Mr. Hastings, and decided in the affirmative,

YEAS—Messrs. Bailey, Bainbridge, Browne, Coop, Greene, Hall, Johnston, Kirkpatrick, Leffler, Springer, Wallace and President—12.

NAY—Mr. Hastings—1.

On motion of Mr. Wallace,

The Council concurred in the resolution of the House of Representatives,



to adjourn on Wednesday, 22d inst., until Monday the 3d of January, 1842.

Mr. Browne gave notice that on to-morrow, or some future day, he should ask leave to introduce a memorial to the Congress of the United States, to abolish the Indian agency system, and create, in lieu thereof, a Factor or Government agent, whose duty it shall be to furnish the different Indian tribes with rations and such Indian goods as are adapted to their habits and convenience, and promote their comforts.

Mr. Bainbridge moved, to take from the table the resolution offered by Mr. Wallace in relation to the printing the Journals of the Council.

Mr. Hastings called the yeas and nays, which were as follows :

YEAS—Messrs. Bainbridge, Browne, Hall, Johnston, Kirkpatrick, Leffler, Springer and Wallace—8.

NAYS—Messrs. Bailey, Coop, Greene, Hastings and President—5.

So the resolution was taken from the table.

Mr. Greene moved, to indefinitely postpone said resolution ;

Which was decided in the affirmative.

Mr. Wallace called the yeas and nays, which were as follows :

YEAS—Messrs. Bailey, Coop, Greene, Hastings, Johnston, Leffler and President—7.

NAYS—Messrs. Bainbridge, Browne, Hall, Kirkpatrick, Springer and Wallace—6.

So the resolution was indefinitely postponed.

A message was received from the Executive, by Mr. Stull, Secretary of the Territory.

On motion of Mr. Bailey,

Ordered, That the same be taken into consideration on to-morrow.

On motion,

The Council adjourned until ten o'clock to-morrow morning.

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### Saturday Morning, Dec. 18, 1841.

The Council met pursuant to adjournment.

A message from the House of Representatives was received through Mr. Fales, their clerk.

“Mr. PRESIDENT—The House of Representatives have passed—

No. 10, Council file, A bill to divorce John Haynes from Celia Haynes.

No. 15, Council file, A resolution in relation to purchase of Indian country. Also,

No. 1, House of Representatives file, A joint resolution to provide for the sale of the surplus copies of the statutes of this Territory.

In which the concurrence of the Council is requested.

The House have indefinitely postponed—

No. 12, Council file, A joint resolution instructing the Chief Clerk of the



House and the Secretary of the Council to employ special messenger to carry letters, papers, &c., from Iowa City to Keosauqua and Dubuque."

Mr. Greene, from the committee on engrossed bills, reported as correctly engrossed,

No. 20, Council file, A bill to incorporate the Mechanics' Mutual Aid Association of Iowa City.

No. 26, Council file, A bill to legalize the election of Geo. L. Coe, as Judge of Probate in Louisa county. And,

No. 16, Council file, A bill for an act to attach the Indian country lying west and north, to the several organized counties of this Territory, which it adjoins, for judicial purposes.

Mr. Greene, from the committee on incorporations, reported No. 24, Council file, without amendment.

Report concurred in.

On motion of Mr. Hastings,

Ordered to be engrossed and read a third time on Monday next.

On motion of Mr. Coop,

The Council proceeded to consider, as in committee of the whole, No. 22, Council file, A bill to amend the militia law, Mr. Johnston in the chair.

After some time spent therein, it was reported to the Council, with an amendment.

Which was concurred in.

On motion of Mr. Springer,

The said bill was referred to the committee on military affairs.

Mr. Hastings moved that No. 19, Council file, be taken from the table. Agreed to.

Mr. Hastings offered the following amendments:

After the word "authorized," in the 16th line, strike out the words "issue bonds," and insert the words "to pay out of any money that may be hereafter appropriated to defray the expenses of the Legislative assembly." In the 17th line, strike out the word "for." Strike out all after the word "respectively."

Mr. Bainbridge moved, to strike out of the amendment the words "that may be hereafter," and insert the words "that may have been;" which was lost.

The question recurring upon the original amendment, was agreed to.

On motion of Mr. Hastings,

Ordered to be engrossed and read a third time on Monday next.

No. 16, Council file, A bill for an act to attach the Indian country lying west and north, to the several organized counties of this Territory, which it adjoins, for judicial purposes, was read a third time and passed.

No. 20, Council file, A bill to incorporate the "Mechanics' Mutual Aid Association of Iowa City," was read a third time and passed, and the title so amended as to read, a bill to incorporate the "Iowa City Mechanics' Mutual Aid Association."

No. 26, Council file, A bill to legalize the election of George L. Coe, as Judge of Probate in Louisa county, was read a third time and passed.

Ordered, That the Secretary notify the House of Representatives accordingly.

No. 1, House of Representatives file, A joint resolution to provide for the



sale of the surplus copies of the statutes of this Territory, was read a first and second time, and,

On motion of Mr. Springer,

Referred to the committee on Teritorial affairs.

No. 7, House of Representatives file, "An act to locate a Territorial road from West Point, in Lee county, to the landing on the Des Moines river, opposite St. Francisville, Missouri, was read a third time and passed.

Ordered, That the Secretary notify the House of Representatives accordingly.

On motion of Mr. Springer,

The Council went into executive session.

The Council again resumed its regular session.

Mr. Wallace offered the following:

*Resolved*, The House concurring herein, that the Council adjourn on the 22d inst., until Monday the 3d day of January, 1842.

The question being upon the adoption of the resolution, the yeas and nays were called by Mr. Hastings.

Decided in the affirmative.

YEAS—Messrs. Bainbridge, Browne, Coop, Hall, Johnston, Kirkpatrick, Leffler, Wallace, and President—9.

NAYS—Messrs. Bailey, Greene, Hastings, and Springer—4.

On motion,

The Council adjourned until Monday morning 10 o'clock.

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### Monday Morning, Dec. 20, 1841.

The Council met pursuant to adjournment.

A message from the House of Representatives was received through Mr. Fales, their clerk.

"Mr. PRESIDENT—The House of Representatives have passed—

No. 4, Council file, A bill authorizing the commissioners of Linn county to re-locate a certain Territorial road.

No. 6, House of Representatives file, A bill to locate a Territorial road from Keokuck, in Lee county, to Fairfield, in Jefferson county.

No. 8, House of Representatives file, A bill to amend an act entitled "an act to prevent the selling of spirituous liquors to the Indians."

No. 9, House of Representatives file, A bill to incorporate the town of Mount Pleasant.

In which the concurrence of the Council is requested."

Mr. Bailey offered the following:

*Resolved*, That Doct. Reynolds, Superintendent of Public Instruction, be permitted to take a seat within the bar of the Council. Adopted.



Mr. Greene, from the committee on engrossed bills, reported as correctly engrossed,

Council file, No. 19, Joint resolution authorizing payment to Russell & Hughes, and W. W. Coriell for printing the Journals of the Council and House of Representatives; and,

No. 24, Council file, A bill to incorporate the First Universalist Society of Iowa City.

Mr. Bailey requested leave of absence for Mr. Leffler,  
Which was granted.

Mr. Greene asked leave to introduce the following, which was granted;  
No. 27, Council file, Memorial to Congress for the establishment of a land office at Marion, in Linn county.

Which was read a first and second time.

Ordered to be engrossed and read a third time to-morrow.

Mr. Hastings offered the following:

*Resolved*, That the committee on post routes be instructed to inquire into the expediency of memorializing Congress for the establishment of a mail route from Knoxville, Ill., via Millersburgh, Ill., via Bloomington, Iowa, to Iowa City; and for the establishment thereon of a weekly four horse post-coach from Knoxville to Bloomington, and a semi-weekly four horse post-coach from Bloomington to Iowa City; and also, for the establishment of a mail route from Bloomington, Iowa, via Moscow, Rochester, and Tipton, of Cedar Co., Iowa; and for the establishment thereon of a weekly two horse post-coach; and also, for the establishment of a mail route from Bloomington, Iowa, via Storm's Settlement, in Muscatine county, via Fredonia and Columbus City, of Louisa county, to Washington, of Washington county, Iowa Territory. Which was adopted.

No. 24, Council file, A bill to incorporate the First Universalist Society of Iowa City;

Was read a third time, passed, and title agreed to.

No. 19, Council file, A resolution authorizing payment to Russell & Hughes and William W. Corriell, for printing the Journals of the Council and House of Representatives;

Was read a third time by its title and passed.

Mr. Greene gave notice of his intention to introduce, on to-morrow,  
A bill to set Clinton county apart for the election of a representative.

Mr. Hastings asked leave to introduce the following, which was granted:

*Resolved*, That John B. Russell, editor of the Bloomington Herald, print one hundred and fifty copies of the Journal of the Council, and deliver the same to the Secretary of the Territory within four months after the adjournment of the Legislature, and that the Secretary of the Territory pay the said Russell the prices heretofore paid for such work.

Mr. Wallace moved that it be laid upon the table.

Mr. Hastings called for the yeas and nays, which were as follows:

YEAS—Messrs. Browne, Hall, Springer, Wallace, and President—5.

NAYS—Messrs. Bailey, Bainbridge, Coop, Greene, Hastings, Johnston, and Kirkpatrick—7.

On motion of Mr. Coop,

It was referred to a committee of the whole, and made the order of the day for to-morrow.



No. 6, House of Representatives file, A bill to locate a Territorial road from Keokuck in Lee county, to Fairfield in Jefferson county;

Was read a first and second time, and,

On motion of Mr. Johnston,

The rule was suspended, and read a third time by its title.

On motion of Mr. Bailey,

Laid upon the table, subject to the order of the Council.

No. 8, House of Representatives file, A bill to amend an act entitled "an act to prevent the selling of spirituous liquors to the Indians;"

Was read a first and second time, and referred to the select committee to which was referred Council file, No. 6.

On motion of Mr. Bainbridge,

Mr. Springer was added to this committee.

No. 9, House of Representatives file, A bill to incorporate the town of Mount Pleasant;

Was read a first and second time, and,

On motion of Mr. Wallace,

Was laid upon the table, subject to the order of the Council.

Mr. Hastings, from the committee on Territorial affairs, reported

No. 1, House of Representatives file, A joint resolution to provide for the sale of the surplus copies of the Statutes of this Territory, with the following amendment:

Strike out, in the 21st line, the word "Secretary," and insert "Treasurer."

Which was concurred in, and ordered to a third reading.

Mr. Coop gave notice that he would, on to-morrow, or some subsequent day, ask leave to introduce a memorial to Congress on the subject of establishing a land office in the town of Fairfield, in Jefferson county.

On motion of Mr. Hastings,

No. 25, Council file, A bill to enforce the observance of the Sabbath, was taken from the table.

On motion of Mr. Coop,

The Council was resolved into a committee of the whole on said bill, Mr. Springer in the chair;

After some time spent therein, the bill was reported back to the Council, with an amendment; which was concurred in.

On motion of Mr. Hastings,

It was referred to a select committee of one from each judicial district.

Messrs. Hastings, Kirkpatrick, and Wallace were appointed said committee.

On motion,

The Council adjourned until to-morrow morning 10 o'clock.



**Tuesday Morning, Dec. 21, 1841.**

The Council met pursuant to adjournment.

Mr. Hastings offered the following:

*Resolved*, That each religious denomination applying for the use of the Council Room, for religious worship, shall be permitted to occupy the same in regular succession. No one denomination to occupy it for more than one service on each day, when any other denomination desire its use ; which,

On motion of Mr. Johnston,

Was laid upon the table.

Mr. Greene, from the committee on engrossed bills, reported as correctly engrossed,

No. 27, Council file, Memorial to Congress for the establishment of a Land Office at Marion in Linn county.

Mr. Hastings reported

No. 29, Council file, A bill to incorporate the First Methodist Protestant Church, of Iowa City ;

Which was read a first and second time, and

On motion of Mr. Bailey,

Referred to the committee on incorporations.

Mr. Springer, from the joint Committee on enrollments, reported

No. 4, Council file, An act authorizing the commissioners of Linn county to relocate all that portion of the Territorial road established from Iowa City to Prairie du Chien, that passes through the town of Marion in said county.

No. 10, Council file, An act to divorce John Haynes from Celia Haynes ; and

No. 15, Council file, Resolution in relation to purchase of Indian country, As correctly enrolled.

Mr. Bailey, from the select committee appointed, in accordance with the resolution requiring information to be collected from various parts of the Territory, relative to the importance of increasing the mail facilities within the limits of the same, reported

That they have, as they believe, made all the requisite inquiry, and ask leave to report

No. 30, Council file, A joint resolution instructing our Delegate in Congress to use his influence to obtain the establishment of certain mail routes, therein mentioned ;

Which was read a first time, and

On motion of Mr. Hastings,

Ordered to be printed.

Mr. Browne, in accordance with previous notice, had leave and introduced No. 31, Council file, Preamble and joint resolution requesting our Dele-



gate in Congress to use his influence in procuring a change in the existing system of licensing traders to deal with the Indians, &c.;

Which was read a first and second time, and

Ordered to be engrossed for a third reading on Monday, Jan. 3d, 1842.

Mr. Hall, in accordance with previous notice, had leave and introduced No. 32, Council file, Memorial to Congress for an appropriation to complete the National road from Dubuque to the southern boundary of the Territory, via Iowa City, &c.;

Which was read a first and second time, and,

Ordered to be engrossed and read a third time to morrow.

Mr. Browne, in accordance with previous notice, had leave and introduced No. 33, Council file, Joint resolution requesting our Delegate to use his influence in procuring an appropriation for the survey of the northern boundary line of the Half Breed reservation, &c.;

Which was read a first and second time, and,

On motion of Mr. Hastings,

Referred to the committee on the judiciary.

No. 27, Council file, Memorial to Congress for the establishment of a Land Office at Marion, in Linn county ;

Was read a third time, by its title, and passed.

Mr. Bainbridge, from the select committee to which was referred

No. 8, House of Representatives file, A bill to amend an act, entitled "an act to prevent the selling of spirituous liquor to the Indians," reported the same back with several amendments, and asked to be discharged from the further consideration of the subject.

Report concurred in, and committee discharged ; and,

On motion of Mr. Hastings,

Ordered to be laid upon the table until the 2d Monday in January, 1842.

No. 1, House of Representatives file, A joint Resolution to provide for the sale of the surplus copies of the Statutes of this Territory ;

Was read a third time and passed.

Mr. Greene, in accordance with previous notice, had leave and introduced No. 34, Council file, A bill to amend an act to district the Territory of Iowa into Electoral districts ;

Which was read a first and second time, and

Ordered to be engrossed and read a third time to morrow.

Mr. Hastings, from committee on Territorial Affairs, reported

No. 28, Council file, A bill for an act to provide for the formation of a Constitution and State Government of the Territory of Iowa ;

Which was read a first time and ordered to be printed.

Mr. Hastings moved, that the Council resolve itself into a committee of the whole on the resolution giving the printing of the Journals to John B. Russell, Editor of the Bloomington Herald, which was made the order of the day, for to-day, Mr. Kirkpatrick in the chair.

After some time spent therein, the committee rose and reported back with one amendment,

Which was concurred in.

Mr. Springer moved, to strike out the name of John B. Russell and insert the name of William Crum, Editor of the Iowa City Standard.

Mr. Wallace called for a division of the question,



Which was had, and decided in the negative.

Mr. Springer called for the yeas and nays,

Which were as follows :

YEAS—Messrs. Browne, Hall, Springer, Wallace and President—5.

NAYS—Messrs. Bailey, Bainbridge, Coop, Greene, Hastings, Johnston and Kirkpatrick—7.

Mr. Springer moved, to strike out the name of John B. Russell and insert that of N. Jackson, Editor of the Iowa City Argus ;

Which was decided in the negative.

Mr. Springer called the yeas and nays,

Which were as follows :

YEAS—Messrs. Browne, Springer and Wallace—3.

NAYS—Messrs. Bailey, Bainbridge, Coop, Greene, Hall, Hastings, Johnston, Kirkpatrick and President—9.

Mr. Parker moved, to strike out the name of John B. Russell, and insert that of Andrew Logan, Editor of the Davenport, Iowa Sun. Lost.

Mr. Parker called for the yeas and nays,

Which were as follows :

YEAS—Messrs. Wallace and President—2.

NAYS—Messrs. Bailey, Bainbridge, Browne, Coop, Greene, Hall, Hastings, Johnston, Kirkpatrick and Springer—10.

Mr. Wallace moved, to strike out the name of John B. Russell, and insert that of Van Antwerp & Hughes. Lost.

Mr. Wallace called for the yeas and nays,

Which were as follows :

YEAS—Messrs. Wallace and President—2.

NAYS—Messrs. Bailey, Bainbridge, Browne, Coop, Greene, Hall, Hastings, Johnston, Kirkpatrick and Springer—10.

Mr. Bainbridge moved, that it be laid upon the table ;

Which was lost.

Mr. Hastings called for the yeas and nays,

Which were as follows :

YEAS—Messrs. Bainbridge, Browne and Wallace—3.

NAYS—Messrs. Bailey, Coop, Greene, Hall, Hastings, Johnston, Kirkpatrick, Springer and President—9.

Mr. Hastings moved, the adoption of the resolution ;

On which the yeas and nays were called for by Mr. Springer,

Which were as follows :

YEAS—Messrs. Bailey, Bainbridge, Coop, Greene, Hall, Hastings, Johnston, Kirkpatrick and President—9.

NAYS—Messrs. Browne, Springer and Wallace—3.

So said resolution was adopted.

The following message was received from the House of Representatives, through Mr. Fales, their Clerk :

“MR. PRESIDENT—The House of Representatives have passed

No. 11, House of Representatives file, An act to locate a Territorial road from Deed's mill, on Skunk river, to the boundary line.

The House have concurred in the resolution of the Council to adjourn on Wednesday the 22d inst., until Monday the 3d day of January.

I, herewith, present for your signature,



An act to locate a Territorial road from West Point, in Lee county, to the landing on the Des Moines river, opposite St. Francisville, Missouri, the same having been signed by the Speaker of the House of Representatives.

I also return for your signature, three enrolled bills which have been signed by the Speaker of the House of Representatives."

On motion,

The Council adjourned until ten o'clock to-morrow morning.

### Wednesday Morning, Dec. 22, 1841.

The Council met pursuant to adjournment.

Mr. Springer, from the joint committee on enrollments, reported

That the committee presented, on the 21st inst., to his Excellency, the Governor, for his approval and signature :

"An act to divorce John Haynes from Celia Haynes,

"A Resolution in relation to purchase of Indian country ; and

"An act authorizing the Commissioners of Linn county to re-locate all that portion of the Territorial road established from Iowa City to Priarie du Chien, that passes through the town of Marion, in said county."

Mr. Wallace moved the adjournment of the Council.

On which the yeas and nays were called by Mr. Greene,

And were as follows :

YEAS—Messrs. Bainbridge, Browne, Hall, Springer, Wallace and President—6.

NAYS—Messrs. Coop, Greene and Kirkpatrick—3.

So the Council adjourned until Monday morning, January 3d, 1842.



**Monday Morning, Jan. 3, 1842.**

The Council met pursuant to adjournment.

Mr. Greene presented a petition from sundry citizens of Linn county, soliciting the Council and House of Representatives to make immediate arrangements for admitting this Territory into the Union as a State ; which,

On motion of Mr. Greene,

Was referred to the committee on Territorial affairs.

Mr. Browne presented a petition from sundry citizens of Lee county, praying for a change in the Territorial road from Burlington to Keokuk ; which,

On motion,

Was referred to the committee on roads.

Mr. Greene presented a petition from sundry citizens of Linn county, praying that Congress may be memorialized in favor of the establishment of a mail route from Galena to Iowa City, via Bellview and the Iowa City and Bellview Territorial road. Also,

The establishment of Post Offices at Friendly Side, Pioneer Grove and Yankee Grove ; which,

On motion,

Was referred to the committee on memorials.

Mr. Hastings presented a petition from sundry citizens of Des Moines, Louisa and Muscatine counties, praying for the establishment of another Territorial road from Bloomington to Burlington ; which,

On motion,

Was referred to the committee on roads.

Mr. Greene presented a petition from sundry citizens of Linn county, praying for a review of that portion of the Territorial road leading from Moscow to Marion ; which, with the accompanying certificates, was,

On motion,

Referred to the committee on roads.

Mr. Greene presented a petition from sundry citizens of Jones and Linn, recommending the passage of an act to open a Territorial road from Cascade, Dubuque county, to Marion, Linn county ; which,

On motion of Mr. Greene,

Was referred to a select committee.

Messrs. Greene, Bainbridge and Kirkpatrick were appointed said committee.

Mr. Hastings, from the select committee to which was referred

No. 2, Council file, A bill to establish a Territorial road from Moscow to Iowa City, reported back the same with an amendment,

Which was read a second time by its title ; and,



On motion of Mr. Greene,

Laid upon the table subject to the order of the Council.

Mr. Bainbridge, from the select committee to which was referred

No. 6, Council file, reported back the same, which,

On motion of Mr. Springer,

Was ordered to be laid upon the table.

Mr. Greene, from the committee on engrossed bills, reported as correctly engrossed

No. 31, Council file, Preamble and joint resolution requesting our Delegate to use his influence in procuring a change in the existing system of licensing traders to deal with the Indians, &c.

No. 32, Council file, Memorial to Congress for an appropriation to complete the National road from Dubuque to the southern boundary of the Territory, via Iowa City, &c.; and,

No. 34, Council file, A bill to amend an act to district the Territory of Iowa into Electoral districts, &c.; approved, July 30th, 1840.

Mr. Hastings asked and obtained leave to introduce

No. 35, Council file, A bill to prevent trespass upon lands;

Which was read a first time, and,

On motion,

The usual number of copies was ordered to be printed.

No. 31, Council file, Preamble and joint resolution requesting our Delegate to use his influence in procuring a change in the existing system of licensing traders to deal with the Indians;

Was read a third time by its title, and passed.

The following message from the House of Representatives, was received through Mr. Faies, Chief Clerk:

“Mr. PRESIDENT—The House of Representatives have passed

No. 10, House of Representatives file, A bill to authorize Wm. Smith and Vincent G. Smith, to keep a ferry across the Mississippi river, in Jackson county.

No. 12, House of Representatives file, A bill to district the county of Jackson into three Commissioners' districts.

No. 14, House of Representatives file, A bill to incorporate the Mechanics' Institute of Dubuque.

No. 21, Council file, Joint resolution requesting our Delegate in Congress to procure an appropriation to defray the expenses of a convention for the formation of a State constitution.

No. 26, Council file, A bill to legalize the election of George L. Coe, as Judge of Probate, in Louisa county. Also, with amendments,

No. 11, Council file, A memorial to Congress praying for an appropriation to defray the expenses growing out of the dispute between the United States, within the Territory of Iowa, and the State of Missouri.

No. 20, Council file, A bill to incorporate the Iowa City Mechanics' Mutual Aid Association.

In which the concurrence of the Council is requested.

I herewith present for your signature

A joint resolution to provide for the sale of the surplus copies of the Statutes of this Territory,

The same having been signed by the Speaker of the House of Representatives,



Which was signed by the President.

No. 32, Council file, Memorial to Congress for an appropriation to complete the National road from Dubuque to the southern boundary of the Territory, via Iowa City ;

Was read a third time by its title and passed.

No. 34, Council file, A bill to amend an act to district the Territory of Iowa into Electoral Districts, &c, approved, July 30th, 1840 ;

Was read a third time, and passed, title agreed to.

No. 11, Council file, A memorial to Congress praying for an appropriation to defray the expenses growing out of the dispute between the Territory of Iowa and the State of Missouri, in relation to the southern boundary line ;

Was read as amended by the House of Representatives.

On motion of Mr. Browne,

The first amendment was not agreed to.

On motion of Mr. Johnston,

The second and third amendments were concurred in.

Ordered, That the Secretary inform the House, accordingly.

No. 20, Council file, A bill to incorporate the Iowa City Mechanics' Mutual Aid Association ; came up in order, and,

On motion of Mr. Hastings,

The amendment, made by the House of Representatives, was concurred in.

No. 14, House of Representatives file, A bill to incorporate the Mechanics' Institute of Dubuque ;

Was read a first and second time, and,

On motion of Mr. Johnston,

Was referred to the committee on incorporations.

No. 10, House of Representatives file, A bill to authorize William Smith and Vincent Smith to keep a ferry across the Mississippi river, in Jackson county ;

Was read a first time, and,

On motion of Mr. Bainbridge,

Was ordered to be laid upon the table subject to the order of the Council.

No. 12, House of Representatives file, An act to district the county of Jackson into three commissioners districts ;

Was read a first and second time, and,

On motion of Mr. Kirkpatrick,

Was referred to a select committee.

Messrs. Kirkpatrick, Bainbridge and Hastings were appointed said committee.

On motion of Mr. Johnston,

No. 6, House of Representatives file, A bill to locate a Territorial road from Keokuck, in Lee county, to Fairfield, in Jefferson county,

Was read a third time and passed ; title agreed to.

Mr. Bailey gave notice that he would, on to-morrow, ask leave to introduce a bill entitled

An act requiring Justices of the Peace to give notice to the Clerk of the District Court of their resignations.

On motion,

The Council adjourned until to-morrow morning 10 o'clock.



**Tuesday Morning, Jan. 4, 1842.**

The Council met pursuant to adjournment.

Mr. Hastings presented a petition from sundry citizens of Des Moines county, praying for the passage of a special act appointing commissioners for the ultimate establishment of another Territorial road between the town of Bloomington, in Muscatine county, and the town of Burlington, in Des Moines county ; which,

On motion,

Was referred to the committee on roads.

Mr. Johnston presented a petition from sundry citizens of Lee county, praying for the passage of a law authorizing the erection of a wharf and warehouse at Montrose, on the Mississippi river ; which,

On motion,

Was referred to the committee on incorporations.

Mr. Browne presented a remonstrance on the same subject,

Which was referred to the same committee.

Mr. Kirkpatrick presented a petition from sundry citizens of the county of Jackson, praying the location of a Territorial road, commencing at Point Pleasant, in the county of Clinton, and terminating at Dubuque, Dubuque county ; which,

On motion,

Was referred to the committee on roads.

Mr. Browne presented the following :

*Resolved*, That the committee on finance be instructed to enquire into the expediency of making some statutory provision whereby the holders of scrip issued by the Superintendent of the Penitentiary, may be entitled to interest at six per cent, until paid, and that said committee report by bill or otherwise.

Mr. Bainbridge moved, that the resolution be laid upon the table ;

Which motion was lost ; and,

On the question recurring as to its adoption,

It was carried in the affirmative.

Mr. Springer, from the joint committee on enrollments, reported

That said committee presented to his Excellency, for his approval on the 3d inst.,

An act to locate a Territorial road from West Point, Lee county, to the landing on the Des Moines river, opposite St. Francisville, Missouri. Also,

A joint resolution to provide for the sale of the surplus copies of Statutes of this Territory.

Mr. Springer, from the same committee, reported as correctly enrolled

No. 20, Council file, An act to incorporate the "Iowa City Mechanics' Mutual Aid Association."



No. 21, Council file, Joint resolution requesting our Delegate in Congress to procure an appropriation to defray the expenses of a convention for the formation of a State constitution.

No. 26, Council file, An act to legalize the election of George L. Coe, as Judge of Probate in Louisa county.

Mr. Greene from the committee on incorporations, reported back, with one amendment,

No. 14, House of Representatives file, A bill to incorporate the Mechanics' Institute of Dubuque.

The amendment of the committee was concurred in, and the bill was ordered to be read a third time to-morrow.

No. 35, Council file, A bill to prevent trespass on lands ;

Was read a second time, and,

On motion,

The Council resolved itself into a committee of the whole, Mr. Springer being in the chair.

After sometime spent therein, the committee reported said bill back with several amendments.

On motion of Mr. Kirkpatrick,

The second section was determined to be stricken out.

On motion of Mr. Hastings,

The bill was referred to a select Committee.

Messrs. Hastings, Bainbridge and Hall were appointed said committee.

No. 3, Council file, A bill providing for a special term of the Supreme Court, and for other purposes ; was now taken up.

On motion of Mr. Springer,

The Council resolved itself into a committee of the whole, Mr. Johnston being in the chair.

After sometime spent in its consideration, the same was reported back with several amendments.

Mr. Bainbridge moved that it be indefinitely postponed. Lost.

The question being on concurring in the amendments made by the committee,

Mr. Bainbridge called for the yeas and nays,

Which were as follows :

YEAS—Messrs. Bailey, Coop, Greene, Hastings, Johnston, Kirkpatrick, Springer and President—8.

NAYS—Messrs. Bainbridge, Browne, Hall and Wallace—4.

Mr. Bainbridge moved, that it be referred to the committee on the judiciary.

Mr. Hastings called for the yeas and nays, which were as follows :

YEAS—Messrs. Bainbridge, Browne, Hall and Wallace—4.

NAYS—Messrs. Bailey, Coop, Greene, Hastings, Johnston, Kirkpatrick, Springer and President—8.

Mr. Bainbridge moved, that it be laid upon the table until the 4th of July, and called for the yeas and nays,

Which were as follows :

YEAS—Messrs. Bainbridge and Wallace—2.

NAYS—Messrs. Bailey, Browne, Coop, Greene, Hall, Hastings, Johnston, Kirkpatrick, Springer and President—10.

On motion of Mr. Springer,



Ordered, That the bill be engrossed, and read a third time to-morrow.

The following message was received from the House of Representatives, through Mr. Fales, Chief Clerk :

Mr. PRESIDENT—The House of Representatives have passed

No. 19, House of Representatives file, A bill to authorize Martin W. Smith to keep a ferry across the Mississippi river, in Scott county.

In which the concurrence of the Council is requested.

I herewith present for your signature, three enrolled bills, the same having been signed by the Speaker of the House of Representatives :"

Which were signed by the President.

Mr. Coop, in accordance with previous notice, asked and obtained leave to introduce

No. 36, Council file, Memorial for the establishment of a Land Office at Fairfield, in Jefferson county ;

Which was read a first and second time, and,

On motion,

Ordered to be engrossed, and read a third time to-morrow.

Mr. Bailey introduced

No. 37, Council file, A bill entitled an act requiring Justices of the Peace to give notice to the Clerk of the District Court, of their resignations ;

Which was read a first and second time, and,

On motion of Mr. Johnston,

Referred to the committee on the judiciary.

No. 19, House of Representatives file, A bill to authorize Martin W. Smith to keep a ferry across the Mississippi river in Scott county ;

Was read a first and second time, and,

On motion of Mr. Hall,

Ordered to be read a third time to-morrow.

Mr. Greene gave notice of his intention to ask leave to introduce, to-morrow, the following :

A bill to incorporate the Washington Manufacturing Company.

A bill to incorporate the Methodist Episcopal Church of Marion.

A bill to incorporate the Peekaton Manufacturing company.

On motion,

The Council adjourned until ten o'clock to-morrow morning.



**Wednesday Morning, Jan. 5, 1842.**

The Council met pursuant to adjournment.

Mr. Hastings presented a petition from sundry citizens of Linn county, remonstrating against any alterations in the Territorial road from Moscow to Marion; which,

On motion,

Was referred to the committee on roads.

Mr. Hastings presented the memorial of T. S. Parvin, asking compensation for services as private secretary to the Governor, during the first session of the Iowa Legislature; which,

On motion,

Was referred to the committee on claims.

Mr. Hastings presented the claim of William Greene, on the Territory, for binding certain books; which,

On motion,

Was referred to the committee on claims.

Mr. Greene, from the committee on engrossed bills, reported as correctly engrossed,

No. 3. Council file, A bill to change the time of holding the Supreme Court, and for other purposes.

No. 36, Council file, Memorial for the establishment of a Land Office at Fairfield in Jefferson county.

Mr. Springer, from the joint committee on enrollments, reported

That the committee presented, on the 4th inst., to his Excellency, the Governor, for his consideration and approval,

An act to incorporate the "Iowa City Mechanics' Mutual Aid Association."

An act to legalize the election of George L. Coe, as Judge of Probate in Louisa county.

Joint resolution requesting our Delegate, in Congress, to procure an appropriation to defray the expenses of a convention for the formation of a State constitution.

Mr. Greene, in accordance with previous notice, asked and obtained leave to introduce

No. 38, Council file, A bill to amend an act, entitled an act for opening and regulating roads and highways, approved, January 17th 1840;

Which was read a first time, and,

On motion,

The usual number of copies was ordered to be printed.

Mr. Hall asked, and obtained leave to introduce

No. 39, Council file, An act to amend an act, entitled an act to provide for the appointing of Justices of the Peace, to prescribe their duties and powers, and to regulate their proceedings;

Which was read a first and second time, and referred to the committee on the judiciary.



No. 28, Council file, A bill for an act to provide for the formation of a Constitution and State Government of the Territory of Iowa ;

Coming up in order,

Mr. Springer moved, that it be laid upon the table ; which was lost.

The bill was read a second time.

Mr. Wallace moved that it be referred to a committee of the whole Council ;

Which was lost.

Mr. Springer renewed the motion to lay the bill upon the table.

Which was carried in the affirmative.

No. 11, House of Representatives file, was read a second time, and,

On motion by Mr. Wallace,

Ordered to be read a third time to-morrow.

No. 3, Council file, A bill to change the time of holding the Supreme Court and for other purposes, was read a third time and passed, and

On motion by Mr. Springer,

Its title amended.

No. 36, Council file, Memorial for the establishment of a Land Office at Fairfield, in Jefferson county, was read a third time and passed ; title agreed to.

On motion by Mr. Bailey,

No. 14, Council file, A bill amendatory to an act entitled, "an act organizing a board of county commissioners in each county in the Territory," was taken from the table, and

On motion by the same gentleman,

Referred to the committee on judiciary.

On motion by Mr. Browne,

The Council resolved itself into a committee of the whole on No. 7, Council file, A bill to amend an act to regulate, discipline and govern the militia of this Territory ;

And, after having made one amendment, reported the same back to the Council, asking their concurrence in the same.

Mr. Bailey moved that it be laid upon the table.

The question being on concurring in the report of the committee, the yeas and nays were called for by Mr. Hastings, which were as follows :

YEAS—Messrs. Bainbridge, Browne, Hastings, Springer, Wallace, and President—6.

NAYS—Messrs. Bailey, Coop, Greene, Hall, and Kirkpatrick—5.

So the report was concurred in.

Mr. Hall moved that the first section be stricken out.

Mr. Coop moved to amend the amendment by adding to the first section, after the words, "in time of peace, who shall," the words "do and perform labor on the public roads and highways, the same number of days which may be required, under the militia law, for military duty."

Mr. Greene moved, to refer the bill to a select committee.

Mr. Hastings moved, a call of the Council ; which was had, all the members answering to their names, Messrs. Johnston and Leffler excepted.

On motion of Mr. Hastings,

The farther call of the Council was dispensed with.

Mr. Springer called for the yeas and nays, on Mr. Greene's motion,

Which were as follows :

YAES—Messrs. Bailey, Coop, Greene and Hall—4.



NAYS—Messrs. Bainbridge, Browne, Hastings, Springer, Wallace and President—6. Lost.

The question recurring on Mr. Coop's amendment,

The yeas and nays were called for by Mr. Hastings, and were as follows :

YEAS—Messrs. Bailey, Coop, Greene and Kirkpatrick—4.

NAYS—Messrs. Bainbridge, Browne, Hall, Hastings, Springer, Wallace and President—7. Lost.

Mr. Hall called for the yeas and nays on the original amendment,

Which were as follows :

YEAS—Messrs. Bailey, Coop, Greene, Hall, Johnston and Kirkpatrick—6.

NAYS—Messrs. Bainbridge, Browne, Hastings, Springer, Wallace and President—6. Lost.

Mr. Bailey moved, that the bill be laid upon the table subject to the order of the Council ;

On which the yeas and nays were called for, by Mr. Bainbridge,

And were as follows :

YEAS—Messrs. Bailey, Coop, Greene, Hall, Johnston and Kirkpatrick—6.

NAYS—Messrs. Bainbridge, Browne, Hastings, Springer, Wallace and President—6.

So the amendment was lost.

Mr. Bainbridge moved, that the Council adjourn ;

On which the yeas and nays were called for, by Mr. Greene,

And were as follows :

YEAS—Messrs. Bainbridge, Browne, Hall, Hastings, Wallace and President—6.

NAYS—Messrs. Bailey, Coop, Greene, Johnston, Kirkpatrick and Springer—6. Lost.

On motion of Mr. Bailey,

The bill was ordered to be laid upon the table until Monday next.

The following message was received from the House of Representatives through Mr. Fales, Chief Clerk ;

“Mr. PRESIDENT—The House of Representatives have passed—

No. 8, Council file, A bill amendatory to an act, entitled an act to authorize John R. Sparks, and his associates, to erect a dam across the Des Moines river.”

No. 19, House of Representatives file, A bill to authorize Martin W. Smith to keep a ferry across the Mississippi river in Scott county ;

Was read a third time, and passed ; title agreed to.

No. 14, House of Representatives file, A bill to incorporate the Mechanics' Institute of Dubuque ;

Was read a third time, and passed ; title agreed to.

No. 30, Council file, A joint resolution instructing our Delegate in Congress to use his influence to obtain the establishment of certain mail routes, therein mentioned ;

Was read a second time, and,

On motion of Mr. Greene,

Referred to a select committee.

Messrs. Greene, Springer and Browne, were appointed said committee.

Mr. Hall gave notice that he would, on to-morrow, or some subsequent day, ask leave to introduce



A bill for an act, supplementary to an act regulating marriages, &c., approved, January 6th, 1840.

Mr. Hastings gave notice that he would, on to-morrow, or some subsequent day, ask leave to introduce

A bill to revise and amend an act to incorporate the Bloomington Insurance Company, approved, January 13th 1840.

On motion,

The Council adjourned until to-morrow morning at 10 o'clock.

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### Thursday Morning, Jan. 6, 1842.

The Council met pursuant to adjournment.

The following message was received from the House of Representatives, through Mr. Fales, Chief Clerk:

"Mr. PRESIDENT—The House of Representatives have passed, with amendments,

No. 3. Council file, A bill for an act to provide for a special term of the Supreme Court, and to change the time of holding the annual session of the same.

In which the concurrence of the Council is requested."

Mr. Greene presented a petition from sundry citizens of Linn county, praying for the establishment of a Territorial road, beginning at Thomas Lingle's mill, in Johnson county, and terminating at Marion, in Linn county; which,

On motion,

Was referred to a select committee composed of the members from Muscatine, Johnson, Cedar, Linn and Jones.

Mr. Bailey presented the following:

*Resolved*, That the committee on Territorial affairs, be instructed to enquire into the expediency of authorizing the Territorial agent, by law, (or any other proper authority) immediately to enter into contract with any person or persons, exacting from said person or persons, bonds with sufficient security, for the completion of the Capitol of this Territory. Which contract shall, in substance, be as follows, *to-wit*: That the person or persons referred to above, shall pay all the debts that have accrued against the Territory for work done, materials furnished, and money borrowed for the completion of said Capitol, and remaining unpaid, complete said Capitol at some reasonable specified time, in accordance with the plan already commenced; secure the Territory from any expense in the completion of said Capitol.—That the Agent, on the part of the Territory, give up all the notes and accounts in his hands, due the Territory for lots sold in Iowa city, for the completion of the Capitol, with a deed of conveyance of all the lots in said city,



except those reserved by the Territory for religious and educational purposes, to the person or persons with whom he contracts. And that the committee be required to report by bill or otherwise ;

Which resolution was adopted.

Mr. Hastings from the committee on Territorial affairs, reported No. 40, Council file, A bill to authorize Boards of Commissioners to appoint agents to dispose of real estate ;

Which was read a first and second time, and,

On motion of Mr. Springer,

The usual number of copies were ordered to be printed.

Mr. Hastings, in accordance with yesterday's notice, introduced No. 41, Council file, A bill to revise and amend an act to incorporate the Bloomington Insurance Company, approved, January 13th, 1840.

Which was read a first and second time, and,

On motion,

Referred to the committee on incorporations.

Mr. Coop, from the committee on roads, to which was referred

The petition of sundry citizens of the county of Linn, praying a review of the Territorial road from Moscow, via Rochester, to Marion, &c. Also,

The petition of sundry citizens of said county, remonstrating against such review, reported

That said committee have had the same under consideration, and upon a thorough examination of said petitions, find a majority of 47 remonstrating against such review.

Your committee are, therefore, of opinion that the petition praying a review of said road, ought not to be granted, and the committee ask to be discharged from a further consideration of the subject.

On motion,

The report of the committee was concurred in.

Mr. Springer, from the joint committee on enrollments, reported

That said committee have examined an act, amendatory to an act entitled, "an act to authorize John R. Sparks, and his associates, to erect a dam across the Des Moines river," and find the same to be correctly enrolled.

Mr. Greene, from the select committee to which was referred the petition of sundry citizens of Linn county, praying for the establishment of a Territorial road from Thomas Lingle's mill, in Johnson county, to Marion, via Westport, in Linn county, reported

No. 42, Council file, A bill for the establishment of said road ;

Which was read a first and second time, when

Mr. Bainbridge moved, that the Council resolve itself into a committee of the whole on the bill ;

On which the yeas and nays were called for, by Mr. Johnston,

And were as follows :

YEAS—Messrs. Bailey, Bainbridge, Hall, Hastings, Springer, Wallace and President—7.

NAYS—Messrs. Browne, Coop, Greene, Johnston and Kirkpatrick—5.  
Carried.

Mr. Kirkpatrick in the chair.

After some time spent in its consideration, it was reported back to the Council with one amendment ; which,



On motion,

Was concurred in.

Mr. Hastings offered the following amendment:

"And that the expenses of establishing said road be paid by the county of Linn ;"

Which was lost.

On motion of Mr. Greene,

The bill was ordered to be engrossed and read a third time to-morrow.

Mr. Johnston, from the committee on the judiciary, reported

No. 43, Council file, A joint resolution providing for publishing the reports of Supreme Court, of — session, A. D. 1840, and for other purposes ;

Which was read a first and second time, and,

On motion,

Ordered to be laid upon the table subject to the order of the Council.

Mr. Browne asked, and had leave to introduce the following :

*Resolved*, By the Council and House of Representatives of the Territory of Iowa, that George C. Robbins be allowed the sum of thirty-two dollars for engraving and furnishing seals for the District Courts of the counties of Linn and Jones, and for making and furnishing presses for the same ; and the Secretary of the Territory is hereby authorized to pay the above amount out of any money, in his hands, not otherwise appropriated ;

Which was read, and,

On motion,

Referred to the committee on claims.

No. 11, House of Representatives file, An act to authorize a Territorial road from Deed's mill, on Skunk river, to the boundary line ;

Was read a third time, and passed ; title agreed to.

The Secretary was instructed to inform the House of Representatives of the same.

No. 38, Council file, A bill to amend an act, entitled "an act for opening and regulating roads and highways," approved, January 17th, 1840.

Was read a second time, and, which,

On motion of Mr. Bailey,

The Council proceeded to consider, as in committee of the whole.

After some time spent therein, the bill was reported back to the Council without amendment ; and,

On motion of Mr. Hastings,

Was referred to the committee on roads.

Mr. Browne moved that the Council adjourn.

On which the yeas and nays were called for, by Mr. Hastings,

And were as follows :

YEAS—Messrs. Browne and Hall—2.

NAYS—Messrs. Bailey, Bainbridge, Coop, Greene, Hastings, Kirkpatrick, Springer, Wallace and President—9. Lost.

No. 3, Council file, A bill for an act to provide for the appointment of a Clerk of the Supreme Court, and to change the time of holding the annual session of the same,

Came up in order, and,

On motion of Mr. Springer,

Was ordered to be laid upon the table until to-morrow.



Mr. Hastings moved, that the Council adjourn ;  
On which the yeas and nays were called for by Mr. Browne,  
And were as follows :

YEAS—Messrs. Bainbridge, Hall, Hastings, Kirkpatrick, Springer, and President—6.

NAYS—Messrs. Bailey, Browne, Coop, Greene and Wallace—5.

So the Council adjourned until 10 o'clock to-morrow morning.

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### Friday Morning, Jan. 7, 1842.

The Council met pursuant to adjournment.

The following message was received from the House of Representatives through Mr. Fales, Chief Clerk ;

“Mr. PRESIDENT—The House of Representatives have passed—

No. 20, House of Representatives file, A bill for an act supplementary to an act entitled ‘an act to authorize evidence by the oath of parties.’

No. 21, House of Representatives file, A bill to amend an act entitled ‘an act for the support of illegitimate children.’

No. 22, House of Representatives file, A bill defining a lawful fence and providing against trespassing animals.

No. 25, House of Representatives file, A bill to provide for levying a tax on real and personal property for road purposes.

The House have also passed, with amendments—

No. 2, Council file, A memorial for an appropriation to complete the penitentiary.

No. 23, Council, file, A bill to establish and locate a Territorial road from Marion, in Linn county, to intersect the Territorial road from Bellview to Iowa City.

The House have also passed—

No. 3, Council file, Preamble and resolution requesting our Delegate in Congress to use his influence to procure a donation of lands for school purposes in the half-breed Sac and Fox reservation.

The House have receded from their amendment to No. 11, Council file, A memorial to Congress relative to the southern boundary.

I herewith return for your signature—

An act amendatory to an act, entitled ‘an act to authorize John R. Sparks, and his associates, to erect a dam across the Des Moines river.’ ”

Which was signed by the President.

Mr. Springer presented the petition of sundry citizens of the county of Washington, praying that a charter may be granted to W. Pickrell for a mill dam across Skunk river.

Which, on motion,

Was referred to the committee on internal improvements.



Mr. Springer presented a petition from sundry citizens of Washington county, calling the attention of the Legislative Assembly to an act entitled "an act regulating blacks and mulattoes ;"

And moved that it be referred to the committee on Territorial affairs.

Mr. Wallace moved to amend the previous motion, by referring the petition to the committee on the judiciary.

Which was carried.

Mr. Greene presented the petition of sundry citizens of Jackson, Jones, Cedar, Linn, and Johnston, praying the establishment of a mail from Galena to Iowa City, via Bellview and the Iowa City and Bellview Territorial road;

Which, on motion,

Was referred to a select committee.

Messrs. Greene, Browne, and Kirkpatrick were appointed said committee.

Mr. Browne, from the committee on military affairs, to whom was referred

No. 22, Council file, A bill to amend the militia law,

Reported that said committee have had the same under consideration, and beg to report the same back to the Council, with an amendment, which is, to strike out the fifth section; and ask to be discharged from a further consideration of the same.

On motion,

The report of the committee was concurred in.

Mr. Greene, from the committee on incorporations, to which was referred

No. 41, Council file, A bill to revise and amend an act to incorporate the Bloomington Insurance Company, approved Jan. 13, 1840.

Reported the same back to the Council with one amendment, viz: the addition of a second section, as follows:

"That if said company shall become insolvent, and fail to adjust any of its liabilities, then, and in that case, the stockholders shall be personally responsible for the same."

On motion by Mr. Johnston,

The bill was ordered to be laid upon the table subject to the order of the Council.

Mr. Bailey presented the report of the Superintendent of Public Instruction. (*See Appendix.*)

Which was read, and

On motion by Mr. Wallace,

Referred to the committee on common schools.

Mr. Greene, from the committee on engrossed bills, reported as correctly engrossed,

No. 42, Council file, A bill to locate and establish a Territorial road from Thomas Lingle's mill, in Johnson county, to Marion, via Westport, in Linn county.

Mr. Greene from the select committee to which was referred

No. 30, Council file, A joint resolution instructing our Delegate in Congress to use his influence to obtain the establishment of certain mail routes therein mentioned;

Reported the same to the Council with sundry amendments.

Mr. Greene moved that the usual number of copies be printed.

Mr. Springer called for the yeas and nays.



Mr. Bainbridge moved that the word "printed" be stricken out, and the word "re-printed" substituted.

Which was carried.

The yeas and nays were now called on the motion as amended, and were as follows :

YEAS—Messrs. Coop, and Greene—2.

NAYS—Messrs. Bailey, Bainbridge, Browne, Hall, Kirkpatrick, Springer, Wallace, and President—8. Lost.

On motion,

The report was concurred in.

Mr. Hall moved an amendment, by striking out the word "weekly," in that part of the report which provides for a mail route between Burlington and Keosauqua, and insert the words "semi weekly post coach route."

Which was carried.

Mr. Greene presented an amendment, which was adopted.

On motion by Mr. Wallace,

The memorial was ordered to be laid upon the table, subject to the order of the Council.

Mr. Coop, from the committee on roads, to whom was referred sundry petitions, reported

No. 44, Council file, A bill to review and locate certain Territorial roads therein named.

Which was read a first and second time.

Mr. Johnston moved to amend the first section by inserting the name of Laban B. Fleek.

The amendment was adopted.

On motion,

Ordered to be laid upon the table, subject to the order of the Council.

Mr. Greene, in accordance with previous notice, had leave and introduced

No. 45, Council file, A bill to incorporate the Methodist Episcopal Church of Marion.

Which was read a first and second time, and,

On motion,

Ordered to be engrossed and read a third time to-morrow.

No. 2, Council file, A memorial for an appropriation to complete the penitentiary, came up in order, and,

On motion by Mr. Johnston,

The amendments made by the House of Representatives were concurred in.

Ordered, That the Secretary notify the House of Representatives accordingly.

No. 20, House of Representatives file, A bill for an act supplementary to an act entitled "an act to authorize evidence by the oath of parties,"

Was read a first and second time, and,

On motion by Mr. Browne,

Referred to the committee on judiciary.

No. 42, Council file, A bill to locate and establish a Territorial road from Thomas Lingle's Mill, in Johnson county, to Marion, via Westport, in Linn county;

Was read a third time and passed—title agreed to.



No. 23, Council file, A bill to establish and locate a Territorial road from Marion, in Linn county, to intersect the Territorial road from Bellview to Iowa City,

Was read, as amended by the House of Representatives, and the amendments concurred in.

Ordered, That the Secretary notify the House of Representatives accordingly.

No. 25, House of Representatives file, A bill for an act to provide for levying a tax on real and personal property for road purposes,

Was read a first and second time, and,

On motion by Mr. Johnston,

Referred to the committee on roads.

No. 21, House of Representatives file, A bill for an act to amend an act entitled "an act to provide for the support of illegitimate children,"

Was read a first and second time, and,

On motion by Mr. Coop,

Referred to the committee on Territorial affairs.

No. 22, House of Representatives file, A bill for an act defining a lawful fence, and providing against trespassing animals,

Was read a first and second time, and,

On motion by Mr. Coop,

Referred to the committee on agriculture.

On motion,

The Council adjourned until 10 o'clock, on Monday morning.

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### Monday Morning, Jan. 10, 1842.

The Council met pursuant to adjournment.

The following message was received from the House of Representatives, through Mr. Faies, Chief Clerk :

"Mr. PRESIDENT—The House of Representatives have passed

No. 3, House of Representatives file, A bill to authorize Perriander Pollock, and others, to erect a dam across the Wapisipinicon river.

No. 29, House of Representatives file, A bill to locate and establish a Territorial road from the county seat of Delaware county, to the town of West Cascade, in Dubuque county.

In which the concurrence of the Council is requested.

I herewith present for your signature,

An act to locate a Territorial road from Keokuk, in Lee county, to Fairfield in Jefferson county.

An act to incorporate the Mechanics' Institute of Dubuque.



An act to authorize Martin W. Smith to keep a ferry across the Mississippi river, in Scott county.

An act to locate a Territorial road from Deed's mill, on Skunk river, to the boundary line.

All of which have been signed by the Speaker of the House of Representatives ;"

Which were signed by the President.

Mr. Hastings presented the petition of sundry citizens of Township 76, north range, 4 west, praying for the legalization of that part of a certain Territorial road running from Black Hawk, to Iowa City ;

Which was read, and,

On motion,

Referred to the committee on roads.

Mr. Hastings asked, and had leave to present the petition of Ross McCloud and Norman B. Seeley, praying an extension of time for the establishment of certain roads ; which,

On motion,

Was referred to the committee on roads.

Mr. Greene presented the petition of sundry citizens of Johnson and Cedar counties, asking the location of a Territorial road from Iowa City in Johnson county, to Davenport in Scott county ;

Which was read, and,

On motion,

Referred to a select committee composed of the Representatives in Council from the 7th and 8th districts.

Mr. Greene presented the petition of sundry citizens of the counties of Cedar and Linn, praying the location of a Territorial road from Bloomington, via Rochester, to Marion ; which,

On motion,

Was referred to the committee on roads.

Mr. Hall offered the following :

*Resolved*, That the committee on the judiciary be requested to inquire into the expediency of incorporating a provision in their bill, amending the tenth article of the Justices' law, as follows :

Where the jury find for the Plaintiff, on an issue joined, or on inquiry of damages, they shall assess adequate damages to the plaintiff for the illegal detention of the property, for which, and the cost of suit, the court shall render judgment ;

Which was adopted.

Mr. Bailey offered the following :

*Resolved*, That the committee on the judiciary be requested to enquire into the expediency of reporting a bill prescribing the manner of redeeming real estate sold under execution ;

Which was adopted.

Mr. Wallace, from the committee on claims to whom was referred No. 46, Council file, A resolution with regard to the claim of George C. Robbins, reported back the same without amendment.

On motion,

The report was concurred in.

The resolution was read a second time,



Ordered to be engrossed and read a third time to-morrow.

Mr. Springer, from the joint committee on enrollments, reported that said committee presented, on the 7th inst., to his Excellency, the Governor, for his approval

An act amendatory to an act, to authorize John R. Sparks, and his associates, to erect a dam across the Des Moines river.

Mr. Hastings, from the committee on Territorial affairs, reported

No. 47, Council file, A bill to amend an act, entitled "an act concerning the custody of persons arrested for crimes and misdemeanors ;"

Which was read a first and second time, and,

On motion by Mr. Springer,

The usual number of copies were ordered to be printed.

Mr. Coop, from the committee on internal improvements, reported

No. 48, Council file, A bill for an act to authorize William Pickrell, his heirs and assigns, to construct, keep and maintain, a dam across Skunk river ;

Which was read a first and second time, and,

On motion,

Ordered to be engrossed and read a third time to-morrow.

Mr. Greene, from the committee on engrossed bills, reported as correctly engrossed

No. 45, Council file, A bill to incorporate the Methodist Episcopal Church of Marion.

On motion by Mr. Springer,

No. 3, Council file, A bill for an act to provide for the appointment of a Clerk of the Supreme Court, and to change the time of holding the annual session of the same ;

Was taken from the table.

Mr. Springer moved an amendment to the first amendment made by the House of Representatives, by striking out 8, and inserting 10, in 1st section ;

Which was carried.

The other amendments made by the House of Representatives,

Were concurred in.

No. 1, Council file, "A bill entitled an act amendatory to an act authorizing Henry Eno, and others, to build a dam across the Des Moines river,"

Being in order, was read a second time, and,

On motion by Mr. Bailey,

Ordered to be engrossed and read a third time to-morrow.

No. 40, Council file, A bill to authorize the Board of Commissioners of each county in this Territory, to appoint an agent to convey and dispose of real estate ;

Came up in order, was read a second time, and,

On motion by Mr. Hastings,

Referred to the committee on the judiciary.

Mr. Hastings, from the committee on Public buildings, reported

No. 49, Council file, A bill to provide for the keeping of stallions and jacks ; which,

On motion by Mr. Browne,

Was referred to the committee on county and township boundaries.

No. 45, Council file, A bill to incorporate the Methodist Episcopal Church of Marion ;



Was read a third time, and passed ; title agreed to.

Ordered, That the Secretary notify the House of Representatives accordingly.

The following message was received from the House of Representatives, through Mr. Fales, Chief Clerk :

“Mr. PRESIDENT—The House of Representatives have concurred in the amendments made by the Council to the amendments made by the House to No. 3, Council file.”

On motion by Mr. Hastings,

No. 28, Council file, A bill for an act to provide for the formation of a constitution and State Government of the Territory of Iowa, was taken from the table.

Mr. Hastings moved, that it be referred to the committee on Territorial affairs.

Mr. Browne, moved, that said bill be referred to a committee of the whole Council ;

Which was lost.

The question being as to referring the bill to the committee on Territorial affairs,

The yeas and nays were called for by Mr. Hastings,

And were as follows :

YEAS—Messrs. Coop, Hastings, Johnston, Kirkpatrick and President—5.

NAYS—Messrs. Bailey, Bainbridge, Browne, Greene, Hall, Springer, and Wallace—7.

On motion by Mr. Johnston,

The bill was ordered to be laid upon the table subject to the order of the Council.

No. 3, House of Representatives file, A bill to authorize Perriander Pollock, and others, to erect a dam on the Wapisipinicon river ;

Was read a first and second time, and,

On motion by Mr. Hastings,

Referred to the committee on incorporations.

No. 29, House of Representatives file, A bill to locate and establish a Territorial road from the county seat of Delaware county, to the town of West Cascade, in Dubuque county ;

Was read a first and second time, and,

On motion by Mr. Greene,

Referred to the committee on roads.

On motion by Mr. Bailey,

No. 30, Council file, A joint resolution instructing our Delegate in Congress, to use his influence to obtain the establishment of certain mail routes therein mentioned ; was taken from the table.

Mr. Bailey offered the following amendment :

After the words “Jefferson county,” in the third line of the second section, insert the words “a weekly mail from Fort Madison, in Lee county, to Farmington, in Van Buren county ;”

Which was adopted.

On motion by Mr. Greene,

The joint resolution, as amended, was ordered to be engrossed, and read a third time to-morrow.



Mr. Springer, from the joint committee on enrollments, reported as correctly enrolled

No. 3. Council file, An act to provide for a special term of the Supreme Court, and to change the time of holding the same.

No. 8, House of Representatives file, A bill to amend an act entitled "an act to prevent the selling of spirituous liquors to the Indians," approved, Jan. 3d, 1839, being the order of the day,

On motion by Mr. Springer,

The Council proceeded to consider the same as in committee of the whole, Mr. Browne in the chair.

After some time spent in its consideration, the bill was reported back to the Council with several amendments.

Mr. Hastings moved, that the bill be indefinitely postponed ;

On which the yeas and nays were called for by Mr. Wallace,

And were as follows :

YEAS—Messrs. Bailey, Coop, Greene, Hastings and Kirkpatrick—5.

NAYS—Messrs. Bainbridge, Browne, Hall, Johnston, Springer, Wallace and President—7.

On motion,

The report of the committee was concurred in.

Mr. Johnston moved an amendment, by striking out the third section, And called for the yeas and nays on the same,

Which were as follows :

YEAS—Messrs. Bailey, Coop, Hall and Johnston—4.

NAYS—Messrs. Bainbridge, Browne, Greene, Hastings, Kirkpatrick, Springer, Wallace and President—8.

Mr. Greene moved, that it be referred to the committee on Territorial affairs;

Which was lost.

Mr. Hastings moved, that it be laid upon the table until January 1st, 1843.

On which the yeas and nays were called for by Mr. Springer,

And were as follows :

YEAS—Messrs. Bailey, Coop, Greene, Hastings and Kirkpatrick—5.

NAYS—Messrs. Bainbridge, Browne, Hall, Johnston, Springer, Wallace and President—7.

Mr. Bainbridge moved, that the Council adjourn ;

Which was lost.

Mr. Wallace moved, that said bill be referred to a select committee ;

Which was carried.

Messrs. Wallace, Johnston and Springer, were appointed said committee.

The following message was received from the House of Representatives :

"Mr. PRESIDENT—I herewith, present for your signature,

An act to provide for a special term of the Supreme Court, and to change the time of holding the annual session of the same ;

The said act having been signed by the Speaker of the House of Representatives ;"

Which was signed by the President.

On motion,

The Council adjourned until to-morrow morning at 10 o'clock.



**Tuesday Morning, Jan. 11, 1842.**

The Council met pursuant to adjournment.

The following message was received from the House of Representatives:

“Mr. PRESIDENT—The House of Representatives have passed—

No. 39, House of Representatives file, A memorial to Congress for the location of mail routes in Iowa Territory,

In which I am directed to ask the concurrence of the Council.

I herewith return four enrolled bills and memorials for your signature, the same having been signed by the Speaker of the House of Representatives.”

Which were signed by the President.

Mr. Springer offered the following:

*Resolved*, That the printing of the daily slips of the Journal of the Council be dispensed with during the remainder of the session.

Mr. Coop moved a call of the Council;

Which was had.

Within a short time, the absent members appearing,

On motion by Mr. Browne,

The further call of the Council was dispensed with,

Mr. Hastings offering the following amendment:

“And the Secretary furnish the editors of the newspapers in this city with an extract of the proceeding of the Council daily for publication.”

Which was agreed to.

The question being on the adoption of the resolution as amended,

Mr. Springer called for the yeas and nays, which were as follows:

YEAS—Messrs. Bailey, Bainbridge, Browne, Coop, Greene, Hall, Hastings, Kirkpatrick, Springer, Wallace and President—11.

NAYS—Mr. Johnston—1.

So the resolution was adopted.

Mr. Bailey offered the following:

*Resolved*, That the committee on the judiciary be requested to inquire into the expediency of reporting a bill requiring every witness, in a limited time after the adjournment of the court, who intends to claim his fees, to file an affidavit, stating the case, the number of days, the number of miles traveled, and the party at whose instance he attends.

Also, requiring Justices of the Peace to make returns four days before the commencement of the term of the Court. Which,

On motion,

Was adopted.

Mr. Bainbridge, from the committee on county and township boundaries, to which was referred



No. 49, Council file, A bill to provide for the keeping of stallions and jacks, Reported the same to the Council, and recommended its committal to the committee on military affairs.

Mr. Johnston moved that it be laid upon the table, subject to the order of the Council.

On which Mr. Hastings called for the yeas and nays, which were as follows:

YEAS—Messrs. Bainbridge, Coop, Greene, Hall, Johnston, Kirkpatrick, Wallace, and President—8.

NAYS—Messrs. Bailey, Browne, Hastings, and Springer—4.

So the motion was carried in the affirmative.

Mr. Coop, from the committee on roads, to which was referred

No. 38, Council file, A bill to amend an act entitled "an act for opening and regulating roads and highways," approved Jan. 17, 1840,

Reported, that they had examined said bill, made one amendment thereto, and asked leave to report the same to the Council.

On motion,

The amendment was adopted, and the report concurred in.

Mr. Bailey moved an amendment, by striking out the word "fifty" and inserting "twenty-five."

Mr. Wallace moved that the bill be re-committed to the committee on roads, Which was carried.

Mr. Hall, in accordance with previous notice, asked and had leave to introduce

No. 50, Council file, A bill for an act supplementary to an act regulating marriages, approved Jan. 6, 1840.

Which was read a first and second time, and

On motion by Mr. Coop,

The usual number of copies were ordered to be printed.

Mr. Coop, from the committee on roads, to which was referred the petition of sundry citizens of the counties of Cedar and Linn, praying the establishment of a Territorial road from Jackamiah Baldwin's, in Cedar county, to William Abbe's, in Linn county, reported that they had examined said petitions, and asked leave to report a bill in accordance with the prayers of said petitioners.

Which was read a first and second time, and,

On motion by Mr. Greene,

Ordered to be engrossed and read a third time to-morrow.

Mr. Kirkpatrick, from the committee on agriculture, to whom was referred—

No. 22, House of Representatives file, A bill for an act defining a lawful fence and providing against trespassing animals,

Asked leave to report the same back to the Council without amendment.

On motion,

The report was concurred in.

On motion by Mr. Kirkpatrick,

The Council proceeded to consider the bill as in committee of the whole, Mr. Coop in the chair.

After some time spent in its consideration, the bill was reported back to the Council with two amendments.



On motion,

The report was concurred in, and the bill ordered to a third reading.

Mr. Greene, from the committee on engrossed bills, reported as correctly engrossed—

No. 30, Council file, A joint resolution instructing our Delegate in Congress to use his influence to obtain the establishment of certain mail routes therein mentioned.

No. 48, Council file, A bill for an act to authorize Wm. Pickrell, his heirs or assigns, to construct, keep and maintain a dam across Skunk river.

No. 1, Council file, A bill entitled an act amendatory to an act authorizing Henry Eno and others to build a dam across the Des Moines river.

No. 46, Council file, A joint resolution authorizing the Secretary to pay George C. Robbins for furnishing seals and a press for the district courts of Linn and Jones counties.

Mr. Springer, from the joint committee on enrollments, reported that said committee presented, on the 10th inst., to his Excellency the Governor, for his approval—

No. 3, Council file, An act to provide for a special term of the supreme court, and to change the time of holding the annual session of the same."

And the same was approved and signed by his Excellency, between the hours of 12 o'clock, M., and 1 o'clock, P. M., of said day.

Mr. Springer, from the same committee, reported that they presented, on the 10th inst., to his Excellency the Governor, for his approval—

An act to incorporate the Mechanics' Institute of Dubuque.

An act to locate a Territorial road from Deed's mill, on Skunk river, to the boundary line.

An act to authorize Martin W. Smith to keep a ferry across the Mississippi river, in Scott county.

An act to locate a Territorial road from Keokuk, in Lee county, to Fairfield in Jefferson county.

Mr. Browne asked and had leave to introduce the following :

*Resolved*, By the Council, That the committee on the judiciary be instructed to inquire into the expediency of amending generally the law in relation to wills and testaments, and the law regulating courts of probate. Which,

On motion,

Was adopted,

On motion by Mr. Springer,

No. 46, Council file, A joint resolution authorizing the Secretary to pay George C. Robbins for furnishing seals, &c., for the district courts of Linn and Jones counties,

Was re-committed to the committee on claims.

No. 48, Council file, A bill for an act to authorize William Pickrell, his heirs or assigns, to construct, keep and maintain a dam across Skunk river,

Was read a third time and passed—title agreed to.

No. 1, Council file, A bill entitled an act amendatory to an act authorizing Henry Eno and others to build a dam across the Des Moines river,

Was read a third time and passed—title agreed to.

Ordered, That the Secretary notify the House of Representatives accordingly.

No. 39, House of Representatives file, Memorial to Congress for the lo-



cation of mail routes in Iowa Territory, was read a first and second time.

Mr. Greene moved that the memorial be referred to a select committee of one from each judicial district,

Which was carried.

Mr. Johnston moved that

No. 30, Council file, Memorial on the same subject, be referred to the same committee.

Messrs. Greene, Browne and Kirkpatrick were appointed said committee.

No. 47, Council file, A bill to amend an act entitled "an act in relation to the safe custody of persons arrested for crimes and misdemeanors," came up in order, and,

On motion by Mr. Greene,

Was referred to the committee on the judiciary.

No. 22, Council file, A bill to amend the militia law, came up in order, and,

On motion by Mr. Wallace,

The bill was ordered to be laid upon the table, subject to the order of the Council.

Mr. Bailey gave notice, that he would, on to-morrow, ask leave to introduce

A bill to authorize the clerk of the district court to take judgment on confession in vacation.

On motion,

The Council adjourned until to-morrow morning, at 10 o'clock.

### **Wednesday Morning, Jan. 12, 1842.**

The Council met pursuant to adjournment.

Mr. Bailey, from the committee on Common Schools, to which was referred the report of the Superintendent of Public Instruction, reported

That they have had the same under consideration, with a view to the advancement of the cause of education, and have come to the conclusion, for the furtherance of the same, to recommend the passage of the following resolution :

*Resolved*, That there be printed five hundred copies of the report of the Superintendent of Public Instruction.

Mr. Hastings moved the following amendment :

*Resolved*, That the report of the Superintendent of Common Schools be published in the different newspapers in the Territory, and that a copy of the same be furnished, by the Secretary, to the editors of the Iowa Capitol Reporter.

Mr. Bailey moved, that the report of the committee, together with the



amendment offered, be laid upon the table subject to the order of the Council ;  
Which was carried.

The following message, from the House of Representatives, was received through Mr. Fales, Chief Clerk ;

“Mr. PRESIDENT—The House of Representatives have passed

No. 5, House of Representatives file, A bill to authorize Jason Wilson to erect a dam across Skunk river, in Lee county.

No. 31, House of Representatives file, An act to repeal an act authorizing a loan of money to be expended upon the Capitol.

No. 33, House of Representatives file, A bill for the incorporation of religious societies,

No. 34, House of Representatives file, A bill to divorce Naomi Williams from her husband, Edward Y. Williams.

No. 36, House of Representatives file, A bill to legalize certain acts of the Board of Commissioners of Clinton County ;

In which the concurrence of the Council is requested.

The House have also passed—

No. 31, Council file, Preamble and resolution requesting our Delegate, in Congress, to use his influence to procure a change in the existing system of licensing traders to deal with the Indians.”

Mr. Greene, from the committee on incorporations, reported

That they had had under consideration

No. 3, House of Representatives file, A bill to authorize Perriander Pollock, and others to erect a dam on the Wabesipinicon river ;

And begged to report the same to the Council without amendment.

On motion,

The report of the committee was concurred in.

Mr. Springer, from the joint committee on enrollments, reported

That said committee presented to His Excellency, the Governor, for his approval, on the 11th instant :

An act to establish and locate a Territorial road from Marion, in Linn county, to intersect the Territorial road from Bellview to Iowa City.

Preamble and resolution requesting our Delegate, in Congress, to use his influence to procure a donation of lands, for school purposes, in the Half Breed Sac and Fox reservation.

Memorial for an appropriation to complete the Penitentiary.

A memorial to Congress, praying for an appropriation to defray the expenses growing out of the dispute between the United States, within the Territory of Iowa, and the State of Missouri, in relation to the southern boundary line.

Mr. Bailey, in accordance with previous notice, offered

No. 52, Council file, A bill to authorize the Clerk of the District Court to take judgment on confession in vacation ;

Which was read a first and second time, and,

On motion by Mr. Greene,

The usual number of copies were ordered to be printed.

Mr. Johnston, from the committee to which was referred

No. 33, Council file, Joint resolution requesting our Delegate to use his influence in procuring an appropriation for the survey of the northern boundary line of the Half Breed reservation, &c.;



Reported a substitute, which,

On motion,

Was concurred in.

The substitute was read a first and second time, and ordered to be engrossed for a third reading.

Mr. Springer asked and had leave to introduce

No. 53, Council file, A bill for an act to legalize the location of a Territorial road in Henry county ;

Which was read a first and second time.

Mr. Wallace moved, that the rules be suspended, and the bill read a third time to-day ;

Which was carried ;

The bill was read a third time, and passed ; title agreed to.

Ordered, That the Secretary notify the House of Representatives accordingly.

Mr. Coop, from the committee on roads, to which was referred

No. 25, House of Representatives file, A bill for an act to provide for levying a tax on real and personal property, for road purposes ; reported

That the above committee have had said bill under examination, and asked leave to report the same back to the Council without amendments.

The report of the Council was concurred in.

On motion by Mr. Springer,

The Council resolved itself into a committee of the whole, on the bill, Mr. Bainbridge being in the chair.

After some time spent in its consideration, the bill was reported back to the Council with one amendment.

Mr. Johnston moved, that the bill be referred to a select committee of three.

Mr. Hastings, moved to amend, by referring it to a committee of one from each Electoral district ;

Which was adopted.

Messrs. Johnston, Hall, Springer, Coop, Leffler, Wallace, Hastings, Greene and Bainbridge, were appointed said committee.

Mr. Greene, from the select committee to which was referred the petition of sundry citizens of Johnson, Cedar and Scott counties, reported

No. 54, Council file, A bill to locate and establish a Territorial road from Davenport, via Rochester, to Iowa City ; which,

On motion by Mr. Johnston,

Was referred to a select committee composed of the delegation from Johnson, Muscatine, Cedar, Linn and Jones.

Mr. Greene, in accordance with previous notice, had leave and introduced

No. 55, Council file, A bill to incorporate the Washington Manufacturing Company ;

Which was read a first and second time, and,

On motion by Mr. Hastings,

Referred to the committee on incorporations.

Mr. Coop from the committee on roads, to which was referred

No. 38, Council file, A bill to amend an act, entitled an act for opening and regulating roads and highways, approved, January 17th, 1840 ; reported

That said committee have carefully examined the bill, and begged to report a substitute for the same.



Mr. Hastings moved, that the bill be laid upon the table subject to the order of the Council ; which was lost.

On motion,

The report of the committee was concurred in.

The bill was read a first and second time.

Mr. Greene moved, to strike out the words 'twenty-five' and insert 'forty.'

Mr. Wallace moved, that it be laid upon the table and made the order of the day for Monday next. Carried.

Mr. Hastings moved, that the Council adjourn ;

On which the yeas and nays were called for by Mr. Bainbridge,

And were as follows :

YEAS—Messrs. Hastings, Johnston, Leffler and Wallace—4.

NAYS—Messrs. Bailey, Bainbridge Coop, Greene, Kirkpatrick, Springer and President—7.

No. 22, House of Representatives file, A bill for an act defining a lawful fence, and providing against trespassing animals ;

Came up in order for a third reading.

Mr. Hastings moved, that it be laid upon the table, and made the order of the day for Monday next. Lost.

Mr. Hastings moved that it be laid upon the table subject to the order of the Council. Lost.

Mr. Hastings moved a call of the Council, which was had, the following gentlemen answering to their names :

Messrs. Bailey, Coop, Greene, Hastings, Johnston, Kirkpatrick, Leffler, Springer and President.

On motion by Mr. Greene,

The further call of the Council was dispensed with.

Mr. Hastings moved that the Council adjourn ;

On which the yeas and nays were called for by Mr. Greene,

And were as follows :

YEAS—Messrs. Bainbridge, Hall, Hastings, Johnston, Kirkpatrick, Leffler and Wallace—7.

NAYS—Messrs. Bailey, Coop, Greene, Springer and President—5.

So the Council adjourned until to-morrow morning at 10 o'clock.



**Thursday Morning, Jan. 13, 1842.**

The Council met pursuant to adjournment.

The following message was received from the House of Representatives, through Mr. Fales, Chief Clerk :

“Mr. PRESIDENT—The House of Representatives have passed  
No. 28, House of Representatives file, A bill for an act to amend an act organizing a Board of county Commissioners in each county.

No. 32, House of Representatives file, A bill to authorize Rachel Holcomb to sell certain real estate.

No. 43, House of Representatives file, A bill to amend an act establishing the office of Judge of Probate.

In all of which, the concurrence of the Council is requested.

The House have indefinitely postponed

No. 45, Council file, A bill to incorporate the Methodist Episcopal Church of Marion ;

And have passed

No. 42, Council file, A bill to locate and establish a Territorial road from Thomas Lingle's mill, in Johnson county, to Marion, via Westport, in Linn county.”

Mr. Greene, from the committee on engrossed bills, reported that they have examined

No. 33, Council file, A joint resolution instructing our Delegate in Congress, to use his influence in procuring a confirmation of the present northern boundary line of the Half Breed Sac and Fox reservation, in Lee county, and find it to be correctly engrossed.

Mr. Greene, from the committee on incorporations, to which was referred

No. 65, Council file, A bill to incorporate the Washington Manufacturing Company, reported the same to the Council without amendment.

On motion,

The report of the committee was concurred in, and,

On motion by Mr. Springer,

The Council proceeded to consider the bill as in committee of the whole, Mr. Hall being in the chair.

After some time spent in its consideration, it was reported back to the Council with sundry amendments.

The report of the committee was concurred in.

Mr. Hall offered an amendment by striking out the eighth section of the bill, and called for the yeas and nays, on the question,

Which were as follows :

YEAS—Messrs. Bailey, Bainbridge, Coop, Hall, Hastings, Johnston, Leffer, Wallace and President—9.



NAYS—Messrs. Greene, Kirkpatrick and Springer—3.

So the amendment was adopted.

Mr. Bainbridge offered an amendment by striking out the sixth section,  
On which the yeas and nays were called for by Mr. Johnston,

And were as follows :

YEAS—Messrs. Bailey, Bainbridge, Coop, Leffler and Wallace—5.

NAYS—Messrs. Greene, Hall, Hastings, Johnston Kirkpatrick, Springer  
and President—7. Lost.

Mr. Bainbridge moved to refer the bill to the committee on the judiciary;  
Which was lost.

On motion by Mr. Greene,

The bill was ordered to be engrossed and read a third time to-morrow.

Mr. Coop, from the committee to whom was referred

No. 29, House of Representatives file, A bill to locate and establish a Ter-  
ritorial road from the county seat of Delaware county, to the town of West Cas-  
cade, in Dubuque county, reported

That the above committee have had said bill under advisement, have  
made no amendments thereto, and beg leave to report the same back to the  
Council, and recommend its passage.

On motion,

The report of the committee was concurred in.

On motion by Mr. Greene,

The bill was made the order of the day for to-morrow.

Mr. Bainbridge offered the following :

*Resolved*, That the Council and House of Representatives, of the Terri-  
tory of Iowa, adjourn on the 25th of January, 1842.

Mr. Hastings moved, that the resolution be laid upon the table subject to  
the order of the Council ;

On which the yeas and nays were called for by Mr. Johnston,

And were as follows :

YEAS—Messrs. Bailey, Coop, Greene, Hall, Hastings, Kirkpatrick, Leffler,  
Springer, Wallace and President—10.

NAYS—Messrs. Bainbridge and Johnston—2. Carried.

Mr. Wallace, from the select committee to whom was referred

No. 8, House of Representatives file, A bill to prevent the selling of spir-  
ituous liquors to the Indians ; reported the same to the Council without  
amendment.

The report of the committee was concurred in.

Mr. Hall moved, to strike out all that part of the bill relating to imprison-  
ment,

And called for the yeas and nays on the question,

Which were as follows :

YEAS—Messrs. Bailey, Coop, Hall, Johnston, Leffler, Wallace and Pres-  
ident—7.

NAYS—Messrs. Bainbridge, Greene, Hastings, Kirkpatrick and Spring-  
er—5.

So the amendment was adopted.

Mr. Springer moved that the bill be indefinitely postponed ;

On which the yeas and nays were called for by Mr. Wallace,

And were as follows :



YEAS—Messrs. Bailey, Coop, Greene, Hastings, Johnston, Kirkpatrick, Leffler, Springer and President—9.

NAYS—Messrs. Bainbridge, Hall and Wallace—3. Carried.

No. 51, Council file, A bill to locate and establish a Territorial road from Jackamiah Baldwin's, in Cedar county, to William Abbe's, in Linn county ;

Came up in order,

Was read a third time and passed ; title agreed to.

No. 33, Council file, A joint resolution instructing our Delegate in Congress to use his influence in procuring a confirmation or a re-survey of the present northern boundary line of the Half Breed Sac and Fox reservation, in Lee county ;

Was read a third time and passed ; title agreed to.

Ordered, That the Secretary notify the House of Representatives accordingly.

No. 31, House of Representatives file, An act to repeal an act authorizing a loan of money to be expended upon the Capitol.

Was read a first and second time, and,

On motion by Mr. Springer,

Was referred to the committee on public buildings.

No. 34, House of Representatives file, A bill to divorce Naomi Williams from her husband, Edward Y. Williams ;

Was read a first time.

Mr. Springer moved its indefinite postponement,

And called for the yeas and nays,

Which were as follows :

YEAS—Messrs. Greene, Kirkpatrick Springer and President—4.

NAYS—Messrs. Bailey, Bainbridge, Coop, Hall, Hastings, Johnston, Leffler and Wallace—8.

The bill was read a second time, and,

On motion by Mr. Coop,

Referred to a select committee ; Messrs. Coop, Wallace and Hall, were appointed said committee.

On motion by Mr. Bailey,

The report of the Superintendent of public instruction, was taken from the table,

On which the yeas and nays were called for by Mr. Bainbridge, on the amendment offered by Mr. Hastings, to the resolution of Mr. Bailey ;

And were as follows :

YEAS—Messrs. Hastings and Kirkpatrick—2.

NAYS—Messrs. Bailey, Bainbridge, Coop, Greene, Hall, Johnston, Leffler, Springer, Wallace and President—10.

So the amendment was lost.

The question recurring on the original resolution,

The yeas and nays were called for by Mr. Wallace, and were as follows :

YEAS—Messrs. Bailey, Coop, Greene, Johnston and President—5.

NAYS—Messrs. Bainbridge, Hall, Hastings, Kirkpatrick, Leffler, Springer and Wallace—7.

So said resolution was not adopted.

No. 36, House of Representatives file, A bill for an act to legalize certain acts of the Board of Commissioners of Clinton county ;



Was read a first and second time, and,

On motion by Mr. Johnston,

Laid upon the table subject to the order of the Council.

No. 5, House of Representatives file, A bill to authorize Jason Wilson to erect a dam across Skunk river, in Lee county;

Was read a first and second time, and,

On motion by Mr. Johnston,

Laid upon the table subject to the order of the Council.

No. 33, House of Representatives file, A bill for the incorporation of religious societies,

Was read a first and second time, and,

On motion by Mr. Kirkpatrick,

Referred to the committee on incorporations.

Mr. Bailey moved, that the Council adjourn until 2 o'clock, P. M.;

Which was lost.

No. 22, House of Representatives file, A bill for an act defining a lawful fence, and providing against trespassing animals,

Was read a third time and passed—title agreed to.

No. 3, House of Representatives file, A bill to authorize Perriander Pollock, and others, to erect a dam on the Wabesipinicon river,

Was read a third time and passed—title agreed to.

Ordered, That the Secretary notify the House of Representatives accordingly.

No. 29, House of Representatives file, A bill to locate and establish a Territorial road from the county seat of Delaware county to the town of West Cascade, in Dubuque county, came up in order, and,

On motion by Mr. Greene,

Was made the order of the day for to morrow.

No. 28, House of Representatives file, A bill for an act to amend an act organizing a Board of County Commissioners in each county,

Was read a first and second time, and,

On motion by Mr. Bailey,

Referred to the committee on finance.

Mr. Wallace moved that the Council adjourn until 2 o'clock, P. M.

Which was lost.

Mr. Bainbridge moved a call of the Council;

Which was had, the following gentlemen answering to their names:

Messrs. Bailey, Bainbridge, Coop, Greene, Hall, Kirkpatrick, Leffler, Springer, and President.

On motion by Mr. Greene,

The further call of the Council was dispensed with.

No. 32, House of Representatives file, A bill to authorize Rachel Holcomb, administratrix of the estate of Milo Holcomb, dec'd., to sell certain real estate,

Came up in order, was read a first and second time, and,

On motion by Mr. Greene,

Referred to the committee on the judiciary.

No. 42, House of Representatives file, A bill for an act to amend an act establishing the office of Judge of Probate,

Came up in order, was read a first and second time, and,



On motion by Mr. Hall,

Ordered to be read a third time to-morrow.

Mr. Springer offered the following :

*Resolved*, That the Secretary of the Council be instructed to cause certified copies of all joint resolutions and memorials originating in the Council, and which request the Governor to forward copies to Congress, &c., to be made out and furnished the Governor.

Which was adopted.

On motion,

The Council adjourned until 10 o'clock to-morrow morning.

### Friday Morning, Jan. 14, 1842.

The Council met pursuant to adjournment.

Mr. Springer presented the petition of sundry citizens of Louisa county, praying for the reduction of the fees of public officers, and against the establishment of more Territorial roads; which,

On motion,

Was referred to the committee on finance.

Mr. Greene presented the petition of sundry citizens of Farmington and Watertown, praying the grant of a charter to Jesse Wright and Henry Bateman for a public ferry across the Des Moines river; which,

On motion by Mr. Bailey,

Was referred to a select committee.

Messrs. Bailey, Hall and Wallace were appointed said committee.

Mr. Johnston, from the committee on the judiciary, to which was referred

No. 32, House of Representatives file, A bill to authorize Rachel Holcomb, administratrix of the estate of Milo Holcomb, dec'd., to sell certain real estate,

Reported back the same with sundry amendments,

The bill was read a first and second time, and,

On motion by Mr. Johnston,

Ordered to be read a third time to-morrow.

Mr. Johnston, from the committee on the judiciary, to whom was referred a resolution relative to amending the act entitled "an act for the benefit of the settlers, &c., on the half-breed lands," reported

No. 56, Council file, A bill for an act entitled an act for the benefit of settlers, &c., on the half-breed lands.

Which was read a first and second time, and,

On motion,

Ordered to be laid upon the table, subject to the order of the Council.

Mr. Leffler, from the committee on finance, reported



No. 57, Council file, A bill to amend an act entitled "an act concerning costs and fees," approved Jan. 23, 1839;

Which was read a first and second time, and,

On motion by Mr. Wallace,

The usual number of copies were ordered to be printed.

Mr. Springer, from the joint committee on enrollments, reported as correctly enrolled—

An act to locate and establish a Territorial road from Thomas Lingle's mill, in Johnston county, to Marion, via Westport, in Linn county. Also,

Preamble and joint resolution requesting our Delegate to use his influence in procuring a change in the existing system of licensing traders to deal with the Indians, &c.

Mr. Bailey, from the select committee to whom was referred the petition of sundry citizens of Farmington and Watertown, reported

No. 58, Council file, A bill to authorize the county commissioners of Van Buren county to grant a license to Jesse Wright and Henry Bateman to keep a ferry across the Des Moines river, at Watertown;

Which was read a first and second time, and,

On motion by Mr. Wallace,

Ordered to be engrossed, and read a third time to-morrow.

Mr. Greene, from the select committee to whom was referred

No. 30, Council file, A joint resolution instructing our Delegate in Congress to use his influence to obtain the establishment of certain mail routes therein named; and,

No. 39, House of Representatives file, A memorial to Congress for the location of mail routes in Iowa Territory,

Reported, that they have had the same under consideration, and recommend the indefinite postponement of said Council file, No. 30; also, report said House of Representatives file, No. 39, with sundry amendments thereto, and ask to be discharged from the further consideration of said memorials.

Which was concurred in, and said Council file, No. 30, was indefinitely postponed.

Mr. Bainbridge asked and had leave to introduce

No. 59, Council file, A resolution authorizing the Secretary of the Territory to pay to Samuel Mazzuchelli the sum of sixty-five dollars.

Which was read a first and second time, and,

On motion,

Was, with accompanying documents, referred to the committee on claims.

On motion by Mr. Coop,

The Council proceeded to consider, as in committee of the whole, No. 39, House of Representatives file, A memorial to Congress for the location of mail routes in Iowa Territory, Mr. Leffler being in the chair;

And after some time spent in its consideration, reported the same back to the Council, with sundry amendments.

On motion,

The report of the committee was concurred in.

On motion,

The memorial was referred to a select committee.

Messrs. Hall, Wallace, and Leffler were appointed said committee.

Mr. Coop, from the select committee to which was referred



No. 34, House of Representatives file, A bill to divorce Naomi Williams from her husband Edward Y. Williams, together with the accompanying documents,

Reported, that said committee have investigated the same, and are of opinion that said divorce should be granted, and ask leave to report said bill back to the Council without amendment.

On motion,

The report of the committee was concurred in.

The bill was read a second time.

Mr. Coop moved that it be read a third time to-morrow ;

On which, Mr. Springer called for the yeas and nays, which were as follows :

YEAS—Messrs. Bainbridge, Coop, Hall, Johnston, Leffler, and Wallace—6.

NAYS—Messrs. Bailey, Greene, Kirkpatrick, Springer, and President—5.

Carried.

So the bill was ordered for a third reading.

On motion by Mr. Johnston,

No. 36, House of Representatives file. A bill for an act to legalize certain acts of the Board of Commissioners of Clinton County ;

Was taken from the table, and,

On motion by the same gentleman,

Referred to the committee on the judiciary.

Mr. Greene, from the committee on engrossed bills, reported that said committee have examined,

No. 35, Council file, A bill to incorporate the Washington Manufacturing Company,

And find the same to be correctly engrossed.

No. 42, House of Representatives file, A bill for an act to amend an act establishing the office of Judge of Probate, came up in order, and,

On motion by Mr. Johnston,

Was referred to the committee on the judiciary.

On motion by Mr. Kirkpatrick,

The Council proceeded to consider, as in committee of the whole, No. 29, House of Representatives file, A bill to locate and establish a Territorial road from the county seat of Delaware county, to the town of West Cascade, in Dubuque county, Mr. Hall being in the chair ;

After some time spent in its consideration, the committee reported the same back to the Council without amendment.

On motion,

The report of the committee was concurred in, and the bill ordered for a third reading.

No. 55, Council file, A bill to incorporate the Washington Manufacturing Company,

Came up in order, and was read a third time.

The question being on the passage of said bill, the yeas and nays were called for by Mr. Bainbridge, which were as follows :

YEAS—Messrs. Bailey, Coop, Greene, Hall, Johnston, Kirkpatrick, Leffler, Springer, Wallace and President—10.

NAYS—Mr. Bainbridge—1.

So the bill was passed, and its title agreed to.



Mr. Bainbridge moved to take from the table the resolution relative to the adjournment of the Legislature;

Which was lost.

No. 52, Council file, A bill to authorize the Clerk of the District Court to take judgment on confession in vacation, came up in order, and,

On motion by Mr. Johnston,

Was referred to the committee on the judiciary.

No. 50, Council file, A bill for an act supplementary to an act regulating marriages, approved Jan. 6, 1840, came up in order, and,

On motion by Mr. Hall,

Was referred to a committee of the whole Council, and made the order of the day for Monday next.

Mr. Leffler gave notice, that on to-morrow or some subsequent day, he would introduce

A bill to provide for the inspection of beef and pork in this Territory.

Mr. Bailey offered the following:

*Resolved*, That Doctor Reynolds, who is now in this city, have the use of the Council Chamber on Thursday evening next, for the purpose of delivering a lecture on Astronomy;

Which was carried.

On motion,

The Council adjourned until to-morrow morning, at 10 o'clock.

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### Saturday Morning, Jan. 15, 1842.

The Council met pursuant to adjournment.

Mr. Bailey presented the petition of sundry citizens of Farmington and its vicinity praying that the petition of Jesse Wright and Henry Bateman, for a ferry across the Des Moines river, be not granted.

On motion,

The petition was referred to the same select committee as the former petition.

Mr. Johnston, from the committee on the judiciary, to whom was referred No. 36, House of Representatives file, A bill for an act to legalize certain acts of the Board of Commissioners of Clinton county,

Begged leave to report the same back to the Council without amendment, and asked the adoption of the following resolution:

*Resolved*, That the committee on the judiciary be discharged from the further consideration of the subject.

The resolution was adopted, and,

On motion,

The bill was ordered to be read a third time on Monday.



Mr. Greene, from the committee on engrossed bill, reported that they have examined

No. 58, Council file, A bill to authorize the county commissioners of Van Buren county to grant a license to Jesse Wright and Henry Bateman to keep a ferry across the Des Moines river, at Watertown,

And find the same to be correctly engrossed.

No. 29, House of Representatives file, A bill to locate and establish a Territorial road from the county seat of Delaware county, to the town of West Cascade, in Dubuque county,

No. 32, House of Representatives file, A bill to authorize Rachel Holcomb, administratrix of the estate of Milo Holcomb, dec'd., to sell certain real estate,

Being in order, were read a third time and passed; title agreed to.

No. 34, House of Representatives file, A bill to divorce Naomi Williams from her husband, Edward Y. Williams,

Came up in order, and was read a third time.

The question being on the passage of the bill, the yeas and nays were called for by Mr. Springer, and were as follows:

YEAS—Messrs. Bainbridge, Browne, Coop, Hall, Leffler, and Wallace—6.

NAYS—Messrs. Bailey, Greene, Kirkpatrick, Springer and President—5.

So the bill was passed, and its title agreed to.

No 58, Council file, A bill to authorize the County Commissioners of Van Buren county to grant a license to Jesse Wright and Henry Bateman, to keep a ferry across the Des Moines river at Watertown,

Being in order, was read a third time.

Mr. Bailey had leave, and offered the following amendment:

"Sec. 2. This act shall not be so construed, as to prevent S. P. Harris, his heirs or assigns, from obtaining a license to keep a ferry at any subsequent time.

"Sec. 3. This act shall be in force from and after its passage."

Which was unanimously adopted.

On motion,

The bill was passed, and its title agreed to.

Ordered, That the Secretary notify the House of Representatives accordingly.

On motion,

The Council adjourned until 10 o'clock on Monday morning.



**Monday Morning, Jan. 17, 1842.**

The Council met pursuant to adjournment.

Mr. Hastings presented the petition of sundry citizens of Muscatine county, praying for a re-charter of a ferry across the Mississippi river at Salem; which,

On motion,

Was referred to the committee on incorporations.

Mr. Bailey presented the petition of sundry citizens of Van Buren county, praying for a reduction of officers' fees ;

On motion,

The petition was referred to the committee on finance.

Mr. Leffler presented the petition of sundry citizens of Des Moines county praying an amendment of the act regulating weights and measures ;

On motion,

The petition was referred to the committee on the judiciary.

Mr. Hastings offered the following :

*Resolved*, That the report of the Superintendent of Public Instruction be published in the Iowa City Capitol Reporter.

Mr. Springer moved to amend the same, by inserting, after the word Reporter, Iowa City Standard, and Iowa City Argus, provided said papers will publish the same gratuitously.

Which resolution, as amended, was adopted.

Mr. Coop offered the following :

*Resolved*, That the committee on the judiciary be requested to inquire into the expediency of so arranging the time of holding the District Courts of the first judicial district, as to allow the counties of Henry and Jefferson each two weeks at the fall term of said court.

Which was adopted.

Mr. Bailey offered the following :

*Resolved*, That the Secretary of the Territory is hereby authorized to pay William H. Turner the sum of twenty-seven dollars, for performing the duties of Assistant Secretary of the Council, in the absence of said Assistant, and deduct the same out of his per diem. Which,

On motion by Mr. Hastings,

Was laid on the table, subject to the order of the Council.

Mr. Johnston offered the following :

*Resolved*, That the Secretary of the Territory is hereby requested to make out a full statement of all debts due by the Territory under the several acts of appropriation, or resolutions, passed by the Legislative Assembly, and that he report the same to the Council.



Which was adopted.

The following message was received from the House of Representatives through Mr. Fales, Chief Clerk:

"Mr. PRESIDENT—The House of Representatives have passed—

No. 15, House of Representatives file, An act to amend an act entitled 'an act regulating criminal proceedings,' approved Jan. 4, 1839.

No. 30, House of Representatives file, An act to locate a Territorial road from Marion, in Linn county, to the mouth of the Tete de Mort creek, in Jackson county;

In which the concurrence of the Council is requested.

I herewith present for your signature, an enrolled bill and joint resolution, which have been signed by the Speaker of the House of Representatives."

Which was signed by the President.

Mr. Johnston, from the committee on the judiciary, to whom was referred the petition of sundry citizens of Washington county, requesting the repeal of the "act regulating blacks and mulattoes," beg leave to report

That it would be impolitic and inexpedient to grant the prayer of said petitioners, and ask the adoption of the following resolution:

*Resolved*, That the committee on the judiciary be discharged from the further consideration of the subject.

Which resolution was adopted.

Mr. Johnston, from the committee on the judiciary, reported

No. 60, Council file, A joint resolution providing for the distribution of the Reports of the Supreme Court to the Clerks of the District Courts;

Which was read a first and second time, and,

On motion by Mr. Springer,

Amended by striking out three and inserting five.

On motion by Mr. Johnston,

Said resolution was considered as engrossed and read a third time.

Mr. Bailey moved to re-commit it to the committee on the judiciary, and called for the yeas and nays, which were as follows:

YEAS—Messrs. Bailey, Coop, Kirkpatrick, and President—4.

NAYS—Messrs. Bainbridge, Browne, Hall, Hastings, Johnston, Leffler, Springer and Wallace—8.

Said resolution was then passed.

Mr. Hastings, from the committee on Territorial affairs, reported

No. 61, Council file, A bill for an act to authorize the appointment of a County Agent for the county of Johnston;

Which was read a first and second time, and,

On motion,

Was referred to the committee on the judiciary.

No. 36, House of Representatives file, A bill for an act to legalize certain acts of the Board of County Commissioners of Clinton county,

Was read a third time and passed; title agreed to.

Ordered, That the Secretary notify the House of Representatives accordingly.

Mr. Kirkpatrick asked leave of absence for Mr. Greene;

Which was granted.

No. 30, House of Representatives file, A bill to locate and establish a Ter-



ritorial road from Marion, in Linn county, to the mouth of the Tete de Mort creek, in Jackson county,

Was read a first and second time, and,

On motion by Mr. Kirkpatrick,

Was referred to a select committee;

Messrs. Kirkpatrick, Bainbridge and Greene were appointed said committee.

No. 15, House of Representatives file, A bill for an act to amend an act entitled "an act regulating criminal proceedings," passed Jan. 4, 1839;

Which was read a first and second time,

On motion,

Referred to the committee on the judiciary.

No. 50, Council file, A bill for an act supplementary to an act regulating marriages, approved, January 6, 1840; being the order of the day, was,

On motion by Mr. Hall,

Considered as in committee of the whole, Mr. Wallace in the chair.

After some time spent therein, the committee rose and reported said bill back to the Council with one amendment,

Which was concurred in; and,

On motion by Mr. Johnston,

Said bill was referred to a select committee.

Messrs. Johnston, Hall and Springer, were appointed said committee.

On motion by Mr. Johnston,

No. 43, Council file, was taken from the table, being a joint resolution providing for publishing the reports of Supreme Court of the July session, A. D. 1840, and for other purposes.

Mr. Johnston moved to amend said resolution by striking out the third section, and inserting the word "several" between the words "the" and "joint" in the third line of the fourth resolution, and in the same line between the words "resolution" and "providing," inserting the words "of the Legislative Assembly," and by adding the following:

That the Secretary of the Territory pay the same out of any monies in his hands, not otherwise appropriated, out of the appropriation for the ensuing session of the Legislative Assembly;

Which were adopted, and,

On motion,

Ordered to be engrossed, and read a third time.

No. 38, Council file, A bill to amend an act, entitled an act for opening and regulating roads and highways; being the order of the day,

On motion by Mr. Bailey,

It was considered as in committee of the whole, Mr. Leffler in the chair.

And after some time spent therein, the committee rose and reported the same back to the Council with one amendment,

Which was concurred in.

Mr. Johnston moved to refer it to the same committee to whom was referred No. 25, House of Representatives file;

Which was so referred.

The following message, from the House of Representatives, was received through Mr. Fales, Chief Clerk:

"Mr. PRESIDENT—The House of Representatives have passed—



No. 23, House of Representatives file, A bill for an act to provide for receiving the proportion of money to which Iowa will be entitled under the distribution law.

No. 24, House of Representatives file, A bill to divorce Sarah East from her husband, Hardman E. W. East.

The House have concurred in the amendments of the Council to

No. 32, House of Representatives file, A bill to authorize Rachel Holcomb to sell certain real estate, by amending the same in 5th section.

I herewith present for your signature, three enrolled bills, which have been signed by the Speaker of the House of Representatives."

Which were accordingly signed by the President.

No. 57, Council file, A bill to amend an act entitled "an act concerning costs and fees," approved Jan. 23, 1839;

Being the order of the day, was,

On motion by Mr. Springer,

Recommitted to the committee on finance, with instructions to revise the whole act in relation to costs and fees: and,

On motion by Mr. Hall,

Messrs. Bailey and Springer were added to said committee.

No. 24, House of Representatives file, A bill to divorce Sarah East from her husband, Hardman E. W. East;

Was read a first and second time, and,

On motion by Mr. Johnston,

Was laid on the table subject to the order of the Council.

No. 23, House of Representatives file, A bill for an act to provide for receiving the proportion of money to which Iowa will be entitled under the distribution law;

Was read a first and second time, and,

On motion by Mr. Bailey,

Was laid on the table subject to the order of the Council.

No. 32, House of Representatives file, A bill to authorize Rachel Holcomb administratrix of the estate of Milo Holcomb, deceased, to sell certain real estate; was returned from the House of Representatives with an amendment to the amendment made by the Council; which,

On motion by Mr. Johnston,

Was agreed to.

Ordered that the Secretary notify the House accordingly.

Mr. Johnston gave notice that he would ask leave, on to-morrow or some future day, to introduce a bill to incorporate the Keokuk Manufacturing Company.

On motion,

The Council adjourned until 10 o'clock on to-morrow morning.



## Tuesday Morning, Jan. 18, 1842.

The Council met pursuant to adjournment.

Mr. Hall presented the petition of sundry citizens of Van Buren county, asking an extension of the Territorial road already laid out from Fairfield to the Missouri line; which,

On motion,

Was referred to a select committee, composed of Messrs. Hall, Coop and Bailey.

Mr. Hastings offered the following:

*Resolved*, That the committee on the judiciary be instructed to report a bill to so amend "an act to prevent and punish gaming," that the offence of gaming shall not be indictable, but shall be prosecuted and punished in a summary manner, before Justices of the Peace.

Mr. Johnston presented the following communication from Mr. Secretary Stull:

*List of debts due to individuals, for printing and necessities furnished for the use of the Legislative Assembly of Iowa. Session 1838, '39, '40, and '41.*

Bridgman & Partridge,	\$109 00
Henry Moore,	4 00
John S. David,	68 00
Methodist Episcopal Church,	300 00
James G. Edwards,	1528 00
Morgan Reno,	61 00
T. S. Parvin,	387 00
Dolan & Ladd,	26 37
Chase & Kimball,	47 25
Robert Mack,	26 75
Jesse Williams,	28 00
Webber & Remey,	55 15
George W. Hight,	100 00
Russell & Reeves,	1907 75
W. J. A. Bradford,	182 00
A. C. Donaldson,	170 00
W. W. Coriell,	75 00
Andrew Logan,	75 00
A. W. Carpenter,	124 50
J. H. McKenney,	957 81
Samuel R. Murray,	20 00
J. N. Hetzel,	35 00
J. M. Garrigues,	12 00



John B. Russell,	12 00
A. L. McCrea,	5 00
Henry Heffleman,	50 00
J. W. Tallman,	50 00
J. G. McDonald,	15 00
Jos. T. Fales,	500 00
B. F. Wallace,	350 00
J. B. Browne,	225 00
W. H. Wallace,	225 00
Levi Hager,	169 50
Evan Evans,	90 00
Russell & Hughes,	1122 75
W. W. Corriell,	1512 38

Total \$10,627 11

(Signed)

O. H. W. STULL,  
Secretary of Territory.

Which was read, when

Mr. Johnston offered the following :

*Resolved*, That the communication from Secretary Stull, be referred to the committee on Territorial affairs, with instructions that they memorialize Congress for an appropriation sufficient for the payment of the debts therein mentioned ; which,

On motion,

Was adopted.

Mr. Greene, from the committee on engrossed bills, reported that said committee have examined

No. 43, Council file, Joint resolution providing for publishing the reports of Supreme Court of July session, A. D. 1840, and for other purposes, and find the same to be correctly engrossed.

Mr. Greene, from the committee on incorporations to whom was referred

No. 33, Council file, A bill for the incorporation of religious societies, reported back the same with the following amendment :

In section 6, after the word "acres," in the 7th line, insert "and shall not exceed in value the sum of ten thousand dollars."

The report of the committee was concurred in, and,

On motion by Mr. Hastings,

The bill was referred to the committee on Territorial affairs.

Mr. Leffler, from the committee on finance, reported

No. 28, House of Representatives file, A bill for an act to amend an act organizing a Board of county Commissioners in each county in the Territory of Iowa, without amendment.

On motion,

The report of the committee was concurred in.

On motion by Mr. Greene,

The Council proceeded to consider the bill as in committee of the whole, Mr. Hastings being in the chair.

After some time spent therein, the committee reported back the bill to the Council with one amendment.

The report of the committee was concurred in, and,



On motion by Mr. Bailey,  
Referred to a select committee composed of Messrs. Bailey, Springer and Hastings.

Mr. Leffler, in accordance with previous notice, had leave and introduced No. 62, Council file, A bill to provide for the inspection of beef and pork in this Territory ; which was read, and,

On motion,

Was ordered to be printed.

Mr. Springer from the joint committee on enrollments, reported  
That said committee presented to his Excellency, the Governor, on the 17th inst., for his approval,

An act to locate and establish a Territorial road from Thomas Lingle's mill, in Johnson county, to Marion, via Westport, in Linn county.

Preamble and joint resolution requesting our Delegate to use his influence in procuring a change in the existing system of licensing traders to deal with the Indians, &c.

Mr. Hastings, from the committee on public buildings, reported

No. 63, Council file, A bill for an act to authorize the Territorial agent to issue bonds on the faith of unsold lots ;

Which was read a first and second time, and,

On motion,

The usual number of copies were ordered to be printed.

Mr. Johnston, from the committee on the judiciary, to whom was referred the petition of sundry citizens of Des Moines county, reported

No. 64, Council file, A bill for an act amending an act regulating weights and measures ;

Which was read a first time, and,

On motion,

The usual number of copies were ordered to be printed.

Mr. Johnston, from the committee on the judiciary, made the following report :

The committee on the judiciary, to whom was referred the communication of Wm. J. A. Bradford, Prosecutor for the 3d Judicial District, praying for the repeal of several sections of an "act providing for the appointment of district Prosecutors, &c.," and requesting that the compensation of the Prosecutor be made a fixed salary, payable out of the Territorial Treasury, &c., beg leave to report,

That it would be inexpedient to repeal the 2d and 5th sections of the act aforesaid, in compliance with the suggestions of the above named communication, as it is necessary that there should be some officer in every judicial district authorized to prosecute all pleas, complaints, &c., &c., in behalf of the several counties in said district, &c.; and to whom, in accordance with the provisions of the 5th section aforesaid, all civil officers might apply for advice and information touching any matter in which the public have any interest ; and that it would be impossible to fix any annual salary for said Prosecutor, because from the very nature of his duties, as prescribed by the 2d and 5th sections aforesaid, it could not be ascertained until the close of the year, the amount of labor he had performed, and consequently the amount of salary to which he was entitled. This, the committee believe, is properly left to the discretion of the Board of county Commissioners.



The committee further state, that in their opinion, the Legislature ought not to interfere in relation to the compensation of the district Prosecutor for the 3d Judicial district for past services, the fees for such duties being left to the discretion of the several Boards of county Commissioners in his district; and against whom, if the Prosecutor should be dissatisfied with the allowance made by them, a suit could be instituted in the District Court.

The committee, therefore, ask the adoption of the following resolution:

*Resolved*, That the committee on the judiciary be discharged from the further consideration of the subject.

On motion,

The report of the committee was concurred in, and the resolution adopted.

Mr. Johnston, in accordance with previous notice asked leave and introduced

No. 65, Council file, An act to incorporate the Keokuk Manufacturing Company;

Which was read a first and second time, and,

On motion,

Referred to the committee on incorporations.

Mr. Hastings, from the select committee to which was referred

No. 54, Council file, A bill to locate and establish a Territorial road from Davenport to Iowa City, via Rochester; reported the same without amendment.

The report of the committee was concurred in.

On motion by Mr. Hastings,

The Council proceeded to consider the bill as in committee of the whole, Mr. Greene being in the chair.

After some time spent therein, it was reported back to the Council with one amendment.

The report of the committee was concurred in, and,

On motion by Mr. Hastings,

The bill was ordered to be engrossed and read a third time to-morrow.

Mr. Hastings, from the committee on Territorial affairs to whom was referred

No. 21, House of Representatives file, A bill for an act to amend an act entitled an act to provide for the support of illegitimate children; made a report concerning the same, and recommending its indefinite postponement.

Mr. Greene moved, that it be referred to the committee on the judiciary;

Which was lost.

Mr. Wallace moved, that it be laid upon the table, subject to the order of the Council;

Which was carried.

Mr. Bainbridge gave notice that he should, on to-morrow or some day thereafter, ask leave to introduce a bill to repeal an act to regulate the mode of petitioning the Legislature in certain cases.

Mr. Wallace, from the committee on claims, reported

No. 46, Council file, A joint resolution authorizing the Secretary to pay George C. Robbins for furnishing seals, &c., for the District Courts of Linn and Jones counties, with two amendments.

The report of the committee was concurred in, and,

On motion,



The joint resolution ordered to be engrossed and read a third time tomorrow.

Mr. Kirkpatrick, from the select committee to which was referred No. 30, House of Representatives file, A bill to locate and establish a Territorial road from Marion, in Linn county, to the mouth of the Tete de Mort creek, in Jackson county;

Reported the same without amendment.

The report of the committee was concurred in, and,

On motion by Mr. Greene,

The Council proceeded to consider the bill as in committee of the whole, Mr. Kirkpatrick being in the chair.

After some time spent therein, the committee reported back the same with several amendments.

Mr. Greene moved that the bill as amended, be referred to a select committee;

Which was lost.

On motion,

The report of the committee was concurred in.

Mr. Bainbridge moved its indefinite postponement;

On which the yeas and nays were called for by Mr. Greene,

And were as follows:

YEAS—Messrs. Bainbridge, Browne, Coop, Hastings, Johnston, Springer, Wallace and President—8.

NAYS—Messrs. Bailey, Greene, Kirkpatrick and Leffler—4.

So the bill was indefinitely postponed.

No. 43, Council file, Joint resolution providing for the publishing the Reports of Supreme Court of the July session, A. D. 1840, and for other purposes,

Was read a third time, and,

On motion by Mr. Johnston,

Laid upon the table subject to the order of the Council.

On motion by Mr. Greene,

The Council proceeded to consider, as in committee of the whole,

No. 28, House of Representatives file, A bill for an act to amend an act organizing a Board of county Commissioners in each county, Mr. Hastings being in the chair.

After some time spent therein, the same was reported back to the Council with one amendment.

The report of the committee was concurred in, and,

On motion by Mr. Bailey,

The bill was referred to a select committee composed of Messrs. Bailey, Springer and Hastings.

Mr. Hastings moved that

No. 49, Council file, A bill to provide for the keeping of Stallions and Jacks, be taken from the table;

Which was done.

Mr. Greene moved that the Council adjourn;

On which the yeas and nays were called for by Mr. Hastings,

And were as follows:

YEAS—Messrs. Browne, Coop, Greene and President—4.



NAYS—Messrs. Bailey, Bainbridge, Hastings, Johnston, Kirkpatrick, Leffler, Springer and Wallace—8. Lost.

The question being on concurring in the report of the committee on township and county boundaries ;

On motion by Mr. Johnston,

The bill was laid upon the table.

On motion by Mr. Johnston,

No. 24, House of Representatives file, A bill to divorce Sarah East from her husband, Hardman E. W. East, was taken from the table.

The question being upon ordering it to a third reading,

Mr. Springer called for the yeas and nays,

Which were as follows :

YEAS—Messrs. Bainbridge, Browne, Coop, Hastings, Johnston, Leffler and Wallace—7.

NAYS—Messrs. Bailey, Greene, Kirkpatrick, Springer and President—5.

So the bill was ordered to a third reading.

Mr. Johnston gave notice that he would, on to-morrow or some subsequent day, ask leave to introduce

A bill to incorporate the Fort Madison Methodist Episcopal Church.

Mr. Wallace moved that

No. 9, House of Representatives file, A bill to incorporate the town of Mount Pleasant, be taken from the table ;

Which was done.

Mr. Hastings moved that it be referred to the committee on incorporations.

Which was lost, and,

On motion by Mr. Johnston,

It was ordered to a third reading to-morrow.

On motion,

The Council adjourned until to-morrow morning, at 10 o'clock.

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### Wednesday Morning, Jan. 19, 1842.

The Council met pursuant to adjournment.

Mr. Springer presented the petition of sundry citizens of Louisa, Muscatine, and Des Moines counties, remonstrating against the establishment of another Territorial road from Bloomington to Burlington ; which,

On motion,

Was laid on the table, subject to the order of the Council.

Mr. Kirkpatrick presented the petition of sundry citizens of Jackson, Jones, Cedar, and Linn, praying the establishment of a mail route from Galena to Iowa City, via Bellview and the Iowa City and Bellview Territorial road ; also, the establishment of certain post-offices ; which,



On motion,

Was referred to the select committee to whom was referred a memorial on mail routes.

Mr. Greene, from the committee on engrossed bills, reported that said committee had examined

No. 46, Council file, A joint resolution authorizing the Secretary to pay George C. Robbins for furnishing seals for the District Courts of Linn and Jones counties; and

No. 54, Council file, A bill to locate and establish a Territorial road from Davenport to Iowa City, via Rochester;

And find the same to be correctly engrossed.

Mr. Johnston, from the committee to whom was referred

No. 15, House of Representatives file, An act to amend an act entitled "an act regulating criminal proceedings," passed Jan. 4, 1839,

Reported the same back to the Council, with sundry amendments.

On motion,

The committee was discharged from the further consideration of the subject.

Mr. Johnston, from the select committee to whom was referred

No. 38, Council file, A bill to amend an act entitled "an act for opening and regulating roads and highways,"

Reported the same back to the Council with two amendments.

On motion,

The committee was discharged from the further consideration of the subject.

Mr. Hastings gave notice that he would, on to-morrow, or some subsequent day, introduce a bill to incorporate the Iowa Lodge, at Bloomington, Muscatine county, Iowa Territory.

Mr. Springer, from the joint committee on enrollments, reported that said committee presented, on the 18th inst., to the Governor for his approval—

An act to divorce Naomi Williams from her husband Edward Y. Williams.

An act to locate and establish a Territorial road from the county seat of Delaware county, to the town of West Cascade, in Dubuque county.

An act to authorize Perriander Pollock, and others to erect a dam across the Wabesipinecon river.

Mr. Bailey, from the select committee to whom was referred

No. 28, House of Representatives file, A bill for an act to amend an act organizing a Board of County Commissioners in each county,

Reported the same to the Council with amendments.

On motion,

The committee was discharged from a further consideration of the subject.

Mr. Hastings, from the committee on public buildings, reported

No. 66, Council file, A bill to set apart out-lots 11 and 12, in Iowa City, for a burying-ground;

Which was read a first and second time, and,

On motion by Mr. Springer,

Laid upon the table until to-morrow.

Mr. Hastings, from the committee on public buildings, reported

No. 67, Council file, A bill to revise an act to incorporate Iowa City, and for other purposes;

Which was read a first time.



No. 24, House of Representatives file, A bill to divorce Sarah East from her husband, Hardman E. W. East, came up in order ;

The question being on the passage of said bill, the yeas and nays were called for by Mr. Springer, and were as follows :

YEAS—Messrs. Bainbridge, Browne, Coop, Hastings, Johnston, Leffler, and Wallace—7.

NAYS—Messrs. Bailey, Greene, Kirkpatrick, Springer, and President—5.

So the bill was passed, and its title agreed to.

Mr. Springer offered the following :

RULE No. —. No bill or joint resolution shall be read the first and second time on the same day, unless otherwise ordered by a majority of the members present, and a motion to read a second time shall not be noticed in the Journal.

On motion,

The resolution was laid upon the table.

No. 46, Council file, A joint resolution authorizing the Secretary to pay George C. Robbins for furnishing seals for the District Courts of Linn and Jones counties,

Was read a third time and passed.

Ordered, That the Secretary notify the House of Representatives accordingly.

No. 54, Council file, A bill to locate and establish a Territorial road from Davenport to Iowa City, via Rochester,

Was read a third time.

Mr. Hastings moved that the bill be re-committed to a select committee ;

Which was lost.

The question being on its passage, the yeas and nays were called for by Mr. Parker, and were as follows :

YEAS—Mr. Greene—1.

NAYS—Messrs. Bailey, Bainbridge, Browne, Coop, Hastings, Johnston, Kirkpatrick, Leffler, Springer, Wallace and President—11.

So the bill was lost.

No. 9, House of Representatives file, A bill to incorporate the town of Mount Pleasant,

Being in order was read a third time.

Mr. Wallace offered the following amendment :

“Insert in section 10, after the word ‘grant,’ the words ‘or withdraw at their discretion.’”

Which was adopted, when,

On motion,

The bill was passed and its title agreed to.

On motion by Mr. Browne,

No. 5, House of Representatives file, A bill to authorize Jason Wilson to erect a dam across Skunk river, in Lee county, was taken from the table ;

The bill was ordered to be read a third time on to-morrow.

On motion by Mr. Browne,

No. 44, Council file, A bill to review and locate certain Territorial roads therein named, was taken from the table ;

On motion by Mr. Springer,

The Council proceeded to consider the same as in committee of the whole, Mr. Bainbridge being in the chair ;



After some time spent therein, the bill was reported back to the Council with one amendment.

Mr. Browne moved that it be referred to a select committee composed of the delegation from the county of Lee;

Which was carried.

Messrs. Browne and Johnston were appointed said committee.

On motion,

The Council adjourned until 10 o'clock to-morrow morning.

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### Thursday Morning, Jan. 20, 1842.

The Council met pursuant to adjournment.

Mr. Leffler offered the following:

*Resolved*, That James W. Woods be allowed the sum of five hundred dollars for transcribing, correcting, indexing, superintending the printing, and distributing the Journals of the Council of the present session, and filing away the unfinished business of the Council.

*Resolved*, That the committee on expenditures be instructed to incorporate the above in the appropriation bill.

On motion by Mr. Browne,

Ordered to be laid upon the table, subject to the order of the Council.

Mr. Johnston, from the select committee to whom was referred

A bill for an act supplementary to an act regulating marriages, approved Jan. 6, 1840,

Begged leave to report the same back to the Council without amendment, and asked the adoption of the following resolution:

*Resolved*, That the committee be discharged from the further consideration of the subject.

On motion,

The committee was discharged.

Mr. Browne, from the select committee to whom was referred

A bill to review and locate certain Territorial roads therein named,

Reported, that said committee have, according to order, had the same under consideration, and reported the same back to the Council, with a substitute therefor, and asked to be discharged from a further consideration of the subject.

On motion,

The committee was discharged.

The substitute was read a first and second time, and,

On motion by Mr. Johnston,

Ordered to be engrossed and read a third time to-morrow.

Mr. Hall, from the select committee to whom was referred the petition of sundry citizens of Van Buren county, reported



No. 68, Council file, A bill for an act to establish a Territorial road from Keosauqua to the southern boundary of the Territory;

Which was read a first time.

Mr. Hastings, from the committee on Territorial affairs, to whom was referred

No. 33, House of Representatives file, A bill for the incorporation of religious societies,

Reported the same back to the Council with several amendments, and begged to be discharged from a further consideration of the subject.

On motion,

The committee were discharged.

Mr. Hastings, in accordance with previous notice, asked and had leave to introduce

No. 69, Council file, A bill to incorporate the Iowa Lodge at Bloomington, Muscatine county, Iowa Territory;

Which was read a first and second time.

Mr. Hastings moved to refer the bill to the committee on incorporations,

Which was carried.

Mr. Kirkpatrick, from the select committee to whom was referred

No. 12, House of Representatives file, An act to district the county of Jackson into three commissioners' districts,

Reported the same back to the Council without amendments, and asked to be discharged from a further consideration of the subject;

On motion,

The committee were discharged.

Mr. Hastings, in accordance with previous notice, had leave and introduced

No. 70, Council file, A bill to make certificates of purchase of lands from any land office in this Territory, evidence of title in the purchaser;

Which was read a first and second time, and,

On motion,

Referred to the committee on the judiciary.

No. 67, Council file, A bill to revive an act to incorporate Iowa City, and for other purposes,

Being in order, was read a second time and,

On motion,

Referred to the committee on incorporations.

Mr. Greene, from the committee on incorporations, to whom was referred a petition and remonstrance of sundry citizens of Montrose and its vicinity, in Lee county, relative to the construction of a wharf, &c., at said town of Montrose, on the Mississippi river, reported,

That they have had the same under consideration, and deem it inexpedient to grant the prayer of said petition and remonstrance; and that the same is not properly under the control of the Legislative Assembly, and asked to be discharged from a further consideration of the subject.

On motion,

The committee were discharged.

Mr. Hastings gave notice that he would, on to-morrow, or some subsequent day, ask leave to introduce

A bill concerning oaths and affidavits.

Mr. Johnston gave notice that he would, on to morrow, or some day there-



after, ask leave to introduce a memorial for a donation of lands to establish a seminary of learning at West Point, in Lee county.

Mr. Bailey gave notice that he would, on to-morrow, ask leave to introduce a bill amendatory to an act entitled an act relating to auctioneers and auction sales.

Mr. Browne gave notice that on to-morrow, he would ask leave to introduce a bill to amend an act entitled an act regulating grocery license, approved Jan. 4, 1840.

No. 38, Council file, A bill to amend an act entitled "an act for opening and regulating roads and highways,"

Being in order, was read a second time ;

On motion by Mr. Johnston,

The Council proceeded to consider the bill as in committee of the whole, Mr. Browne being in the chair.

After some time spent therein, the bill was reported back to the Council with several amendments.

The question being on concurring in the report of the committee,

Mr. Bailey moved to disagree with the first amendment of the committee, and called for the yeas and nays on the same, which were as follows:

YEAS—Messrs. Bailey, Browne, Coop, Hall, Johnston, and Kirkpatrick—6.

NAYS—Messrs. Bainbridge, Greene, Hastings, Leffler, Springer, Wallace, and President—7.

So the motion was lost.

On motion,

The report of the committee was concurred in, and,

The bill ordered to be engrossed and read a third time to-morrow.

Mr. Coop, from the committee on roads, reported

No. 71, Council file, A bill for an act amending an act defining the duties of supervisors of roads and highways;

Which was read a first time.

On motion by Mr. Greene,

The Council resolved itself into a committee of the whole on No. 28, House of Representatives file, A bill for an act to amend an act organizing a Board of County Commissioners in each county, Mr. Bailey being in the chair;

After some time spent in its consideration, the same was reported back to the Council without amendments.

On motion,

The report of the committee was concurred in.

Mr. Greene moved to strike out section 7 ;

On which Mr. Browne called for the yeas and nays ;

Which were as follows :

YEAS—Messrs. Bainbridge, Browne, Coop, Greene, Hall, Hastings, Johnston, and Wallace—8.

NAYS—Messrs. Bailey, Kirkpatrick, Leffler, Springer, and President—5.

So the 7th section was ordered to be stricken out, and,

On motion,

The bill was ordered for a third reading to-morrow.

The following message was received from the House of Representatives through Mr. Fales, Chief Clerk :



“Mr. PRESIDENT—The House of Representatives have passed—

No. 33, Council file, A joint resolution relative to the northern boundary line of the half-breed Sac and Fox reservation.

No. 53, Council file, A bill for an act to legalize the location of a Territorial road in Henry county.

No. 46, House of Representatives file, A bill to authorize Thomas S. Parks to keep a ferry across the Mississippi river.

No. 49, House of Representatives file, A bill to authorize Robert M. G. Patterson to establish a ferry across the Mississippi river, at the mouth of the Nassau Slough.

No. 50, House of Representatives file, A memorial to the Secretary of the Treasury of the United States.

No. 51, House of Representatives file, A bill for an act to incorporate a college at Washington, in Washington county.

No. 59, House of Representatives file, A bill to locate a Territorial road from Richmond, in Washington county, to intersect a road from Iowa City to the county line of Washington county.

In which the concurrence of the Council is requested.

I herewith present, for your signature,

An act defining a lawful fence, and providing against trespassing animals.”

Which was signed by the President.

Mr. Bainbridge moved that Mr. Bailey’s resolution, relative to Turner, be taken from the table.

Which was done, and,

On motion,

Indefinitely postponed.

Mr. Johnston moved that No. 56, Council file, A bill for an act to amend an act entitled ‘an act for the benefit of settlers, &c., on the half breed lands,’ be taken from the table;

Which was done.

On motion,

Ordered to be engrossed, and read a third time to-morrow.

No. 64, Council file, A bill for an act amending an act regulating weights and measures,

Was read a second time, and,

On motion,

Ordered to be engrossed for a third reading to-morrow.

No. 5, House of Representatives file, A bill to authorize Jason Wilson to erect a dam across Skunk river, in Lee county,

Being in order, was read a third time and passed; title agreed to.

Ordered, That the Secretary notify the House of Representatives accordingly.

No. 46, House of Representatives file, A bill to authorize Thomas S. Parks to keep a ferry across the Mississippi river,

No. 47, House of Representatives file, An act to authorize Robert M. G. Patterson to establish and keep a ferry across the Mississippi river, at the mouth of the Nassau Slough,

No. 50, House of Representatives file, A memorial to the Secretary of the Treasury of the United States, in relation to the two townships of land granted to the Territory for a University,



Were read a first time.

Mr. Bainbridge moved that the Council adjourn;

Which was lost.

No. 59, House of Representatives file, A bill to locate and establish a Territorial road from Richmond, in Washington county, to intersect a road from Iowa City to the county line of Washington county,

No. 51, House of Representatives file, A bill for an act to incorporate a College at Washington, in Washington county,

Were read a first time.

Mr. Leffler had leave, and introduced

No. 72, Council file, A joint resolution authorizing an investigation by a joint committee of the Council and House of Representatives of the Miners' Bank of Dubuque;

Which was read a first time.

Mr. Hastings moved that the rules be suspended, and the resolution read a second and third time to-day;

Which was lost.

Mr. Hastings moved a call of the Council;

Which was had; all the members answering to their names, Mr. Bainbridge excepted.

Mr. Wallace moved that the Council adjourn;

Which was lost.

Mr. Bainbridge appearing,

Mr. Johnston moved that the further call of the Council be dispensed with; Carried.

Mr. Hastings moved that the resolution be read a second and third time;

Which was carried.

The resolution was read a second and third time and passed.

Ordered, That the Secretary notify the House of Representatives accordingly.

On motion,

The Council adjourned until 10 o'clock to-morrow morning.



**Friday Morning, Jan. 21, 1842.**

The Council met pursuant to adjournment.

Mr. Hall, from the select committee to whom was referred

No. 39, House of Representatives file, Memorial to Congress for the location of mail routes in Iowa Territory, reported the same to the Council with several amendments, and asked to be discharged from a further consideration of the subject.

On motion,

The committee were discharged.

Mr. Greene, from the committee on engrossed bills, reported that said committee have examined

No. 38, Council file, A bill to amend an act entitled an act for opening and regulating roads and highways, approved, January 17th, 1840.

No. 56, Council file, A bill for an act to amend an act entitled an act for the benefit of Settlers, &c., on the Half Breed lands, and

No. 64, Council file, A bill for an act amending an act regulating weights and measures, and find them to be correctly engrossed.

Mr. Springer, from the joint committee on enrollments, reported that said committee have examined

No. 33, Council file, A joint resolution instructing our Delegate in Congress to use his influence in procuring a confirmation, or a re-survey, of the present northern boundary line of the Half Breed Sac and Fox reservation, in Lee county. And,

No. 53, Council file, An act to legalize the location of a Territorial road in Henry county; and find the same to be correctly enrolled.

Mr. Greene, from the committee on incorporations, to whom was referred the petition of sundry citizens of Muscatine county, praying for the renewal of a charter to ferry across the Mississippi, reported

No. 73, Council file, A bill to authorize Ransom Long to keep a ferry across the Mississippi river, opposite Salem, in Muscatine county;

Which was read a first time.

Mr. Johnston, from the committee on the judiciary, to whom was referred

No. 20, House of Representatives file, A bill for an act supplementary to an act entitled an act to authorize evidence by the oath of parties, reported the same back to the Council without amendments, and asked to be discharged from a further consideration of the subject.

On motion,

The committee were discharged.

Mr. Greene, from the committee on incorporations, to whom was referred

No. 67, Council file, A bill to revise an act to incorporate Iowa City, and for other purposes, reported the same back to the Council with several amendments, and asked to be discharged from a further consideration of the subject.



On motion,

The committee were discharged.

Mr. Greene, from the committee on incorporations to whom was referred No. 69, Council file, A bill to incorporate the Iowa Lodge, at Bloomington, Muscatine county, Iowa Territory; reported the same back to the Council with several amendments, and asked to be discharged from a further consideration of the subject.

On motion,

The committee were discharged.

Mr. Johnston, in accordance with previous notice, had leave and introduced

No. 74, Council file, Memorial for donation of lands to establish a seminary of learning at West Point, in Lee county;

Which was read a first time.

No. 46, House of Representatives file, A bill to authorize Thomas S. Parks to keep a ferry across the Mississippi river, being in order,

Was read a second time.

On motion by Mr. Kirkpatrick,

The Council proceeded to consider the same as in committee of the whole, Mr. Greene being in the chair.

After some time spent therein, the bill was reported back to the Council with one amendment.

The report of the committee was concurred in, and

On motion by Mr. Kirkpatrick,

The bill was ordered for a third reading to-morrow.

Mr. Browne, in accordance with previous notice, had leave and introduced

No. 75, Council file, A bill amendatory of an act entitled an act regulating grocery license, approved, January 4, 1840;

Which was read a first time, and

On motion by Mr. Hastings,

The usual number of copies were ordered to be printed.

Mr. Johnston, from the committee on the judiciary to whom was referred No. 14, Council file, A bill amendatory to an act entitled an act organizing a Board of county Commissioners in each county in this Territory, reported

That there is a sufficient law now in force upon the subject, and asked the indefinite postponement of said bill, and also, to be discharged from the further consideration of the subject.

On motion,

The committee were discharged.

Mr. Wallace moved, that the report of the committee be laid upon the table;

Which was lost.

The question being on concurring in the report of the committee:

On motion,

The report was concurred in, and the bill indefinitely postponed.

No. 47, House of Representatives file, An act to authorize Robert M. G. Patterson to establish and keep a ferry across the Mississippi river at the mouth of the Nassau slough;

Was read a second time, and

On motion by Mr. Johnston,



Laid upon the table subject to the order of the Council.

On motion by Mr. Johnston,

The Council resolved itself into a committee of the whole on No. 50, House of Representatives file, A memorial to the Secretary of the Treasury of the United States, in relation to the two townships of land granted to the Territory for a University.

After some time spent in its consideration, the same was reported back to the Council, all the memorial succeeding the title having been stricken out.

On motion,

The report of the committee was concurred in.

Mr. Springer moved, that the title of the memorial be indefinitely postponed ;

Which was carried.

The title was indefinitely postponed.

Mr. Hastings, from the select committee, to whom was referred

No. 35, Council file, A bill to prevent trespass upon lands, reported the same back to the Council with two amendments, and asked to be discharged from a further consideration of the subject.

On motion,

The committee were discharged.

Mr. Hastings, in accordance with previous notice, had leave and introduced No. 76, Council file, A bill concerning oaths and affidavits ;

Which was read a first time.

No. 51, House of Representatives file, A bill for an act to incorporate a college at Washington, in Washington county ;

Was read a second time.

On motion by Mr. Springer,

The Council proceeded to consider the bill as in committee of the whole, Mr. Hastings being in the chair.

After some time spent in its consideration, the same was reported back to the Council without amendment.

On motion,

The report of the committee was concurred in, and

On motion by Mr. Springer,

The bill was ordered for a third reading on Monday.

No. 59, House of Representatives file, A bill to locate and establish a Territorial road from Richmond, in Washington county, to intersect a road from Iowa City to the county line of Washington county ;

Was read a second time, and

On motion by Mr. Springer,

Laid upon the table subject to the order of the Council.

No. 68, Council file, A bill for an act to establish a Territorial road from Keosauqua to the southern boundary of the Territory ;

Was read a second time, and

On motion by Mr. Hall,

Ordered to be engrossed for a third reading to-morrow.

No. 71, Council file, A bill for an act amending an act defining the duties of supervisors of roads and highways ; being in order,

Was read a second time, and

On motion by Mr. Coop,



Ordered to be engrossed for a third reading to-morrow.

No. 63, Council file, A bill for an act to authorize the Territorial agent to issue bonds on the faith of the unsold lots of Iowa City ;

Being in order, was read a second time.

On motion by Mr. Coop,

The Council proceeded to consider the same as in committee of the whole, Mr. Leffler being in the chair.

After some time spent therein, the bill was reported back to the Council with one amendment.

On motion,

The report of the committee was concurred in.

Mr. Wallace moved, that the bill be indefinitely postponed.

Mr. Greene moved that it be laid upon the table ;

On which the yeas and nays were called for by Mr. Wallace ;

And were as follows :

YEAS—Messrs. Greene, Hastings and President—3.

NAYS—Messrs. Bailey, Bainbridge, Browne, Coop, Hall, Johnston, Kirkpatrick, Leffler, Springer and Wallace—10.

So the motion was lost.

The question recurring on the motion to indefinitely postpone the bill, Mr. Wallace called for the yeas and nays on the same,

Which were as follows :

YEAS—Messrs. Bailey, Bainbridge, Browne, Coop, Hall, Johnston, Kirkpatrick, Leffler, Springer and Wallace—10.

NAYS—Messrs. Greene, Hastings and President—3.

So said bill was indefinitely postponed.

Mr. Hall gave notice that he would, on some day next week, introduce

A bill for an act to incorporate the Keosauqua Bridge Company.

No. 28, House of Representatives file, A bill for an act to amend "an act organizing a Board of county Commissioners in each county ;"

Being in order, was read a third time and passed ; title agreed to.

No. 56, Council file, A bill for an act to amend an act entitled an act for the benefit of settlers, &c., on the Half Breed lands ;

Being in order, was read a third time and passed ; title agreed to.

No. 38, Council file, A bill to amend an act entitled an act for opening and regulating roads and highways, approved, January 17th, 1840 ;

Being in order, was read a third time and passed ; title agreed to.

No. 64, Council file, A bill for an act amending an act regulating weights and measures ;

Being in order, was read a third time and passed ; title agreed to.

Ordered, That the Secretary notify the House of Representatives, accordingly.

On motion by Mr. Hastings,

No. 2, Council file, A bill establishing a Territorial road from Moscow to Iowa City ;

Was taken from the table.

On motion by Mr. Greene,

The Council proceeded to consider the same as in committee of the whole, Mr. Coop being in the chair.



After some time spent therein, the same was reported back to the Council with one amendment.

On motion,

The report of the committee was concurred in, and

On motion by Mr. Hastings,

The bill was ordered to be engrossed for a third reading to-morrow.

Mr. Bailey, in accordance with previous notice, had leave and introduced No. 77, Council file, A bill entitled an act to repeal an act relating to auctioners and auction sales, approved, January 1840 ;

Which was read a first time.

Mr. Greene gave notice that on to-morrow, or some subsequent day, he would introduce

A bill to amend an act entitled an act regulating ferries.

On motion by Mr. Springer,

No. 59, House of Representatives file, A bill to locate and establish a Territorial road from Richmond, in Washington county, to intersect a road from Iowa City to the county line of Washington county ;

Was taken from the table, read a second time, and

On motion by the same gentleman,

Ordered for a third reading on Monday, January 24th.

On motion,

The Council adjourned until to-morrow morning, at 10 o'clock.

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### Saturday Morning, Jan. 22, 1842.

The Council met pursuant to adjournment.

Mr. Hall offered the following :

Whereas, at the organization of the present session of the Legislative Assembly, Mr. Chance was elected Fireman to the Council : and, whereas, said Chance has never appeared in this Council in the capacity of Fireman, but employed Samuel Wilson as deput : and, whereas, said Wilson has discharged the duties of Fireman well and faithfully ; therefore, be it resolved that the said Samuel Wilson be recognized as the Fireman of this Council, and that he be allowed two dollars and fifty cents per diem for his services as such during the present session, and that the Secretary is hereby authorized to pay him accordingly.

Mr. Leffler moved that the resolution be laid upon the table until Monday next ; which was lost.

The question being on its adoption ;

On motion,

The resolution was adopted.

Mr. Springer moved that Samuel Wilson be sworn Fireman of the Council ;



Which was carried.

When Wilson appeared and was duly sworn.

Mr. Springer, from the joint committee on enrollments, presented, on the 21st inst., to his Excellency, the Governor, for his approval,

An act defining a lawful fence and proceeding against trespassing animals.

No. 12, House of Representatives file, An act to district the county of Jackson into three Commissioners districts ; came up in order, and was,

On motion,

Ordered for a third reading on Monday, January 24th.

No. 50, Council file, A bill for an act supplementary to an act regulating marriages, approved, January 6th, 1840 ; came up in order.

On motion by Mr. Hall,

The Council proceeded to consider the same as in committee of the whole, Mr. Wallace being in the chair.

After some time spent therein, the bill was reported back to the Council with one amendment.

On motion by Mr. Wallace,

The bill, together with the report of the committee of the whole, was referred to a select committee, composed of Messrs. Wallace, Leffler and Springer.

Mr. Coop, from the committee on roads, to whom was referred the petition of sundry citizens of the county of Louisa, praying that the location of a certain Territorial road in said county be legalized ;

Reported that said committee have had the same under consideration and offered

No. 78, Council file, A bill to legalize the location of a certain Territorial road ;

Which was read a first time, and

On motion,

Laid upon the table subject to the order of the Council.

Mr. Greene, in accordance with previous notice had leave and introduced

No. 79, Council file, A bill amendatory of an act to regulate ferries, approved, December 20th, 1838 ;

Which was read a first time.

No. 62, Council file, A bill to provide for the inspection of beef and pork in this Territory ; come up in order.

On motion by Mr. Browne,

The Council proceeded to consider the bill as in committee of the whole, Mr. Springer being in the chair.

After some time spent therein, the same was reported back to the Council with one amendment.

The report of the committee was concurred in, and

On motion by Mr. Leffler,

The bill was referred to the committee on Territorial affairs.

No. 15, House of Representatives file, A bill for an act to amend an act entitled an act regulating criminal proceedings, passed, January 4th, 1839 ;

Came up in order, and

On motion by Mr. Bainbridge,

Was laid upon the table, and made the special order of the day for Friday, January 28th.



Mr. Johnston moved that the Council adjourn ;

On which the yeas and nays were called for by Mr. Greene,

And were as follows :

YEAS—Messrs. Bailey, Bainbridge, Browne, Coop, Hall, Johnston, Kirkpatrick, Leffler, Wallace and President—10.

NAYS—Messrs. Greene, Hastings and Springer—3.

So the Council adjourned until 10 o'clock on Monday morning.

### Monday Morning, Jan. 24, 1842.

The Council met pursuant to adjournment.

Mr. Springer offered the following :

*Resolved*, That the committee on public buildings be instructed to prepare and report a memorial to Congress praying that the reserved sections, contiguous to Iowa City, or a portion of them, may be given to the Territory for the purpose of completing the Capitol.

Mr. Browne moved to amend the resolution by inserting the words "and Penitentiary," after the word "Capitol ;"

Which was lost.

On motion by Mr. Hastings,

A call of the Council was had, when Messrs. Johnston and Greene were found to be absent.

The absentees appearing, a further call of the Council was dispensed with.

Mr. Browne moved that the resolution be referred to the committee on the judiciary, and that they be instructed to consider the expediency of adding the word "Penitentiary" after the word "Capitol ;"

On which the yeas and nays were called for by Mr. Springer,

And were as follows :

YEAS—Messrs. Bainbridge, Browne, Hall, and President—4.

NAYS—Messrs. Bailey, Coop, Greene, Hastings Johnston, Kirkpatrick, Leffler, Springer and Wallace—9.

So the motion was lost.

Mr. Greene, moved an amendment by inserting, after the words "public buildings," the words "be instructed to inquire into the expediency of ;"

Which was adopted.

The question being on the adoption of the resolution as amended ;

The yeas and nays were called for by Mr. Springer,

And were as follows :

YEAS—Messrs. Bailey, Bainbridge, Browne, Coop, Greene, Hall, Hastings, Johnston, Kirkpatrick, Leffler, Springer, Wallace and President—13.

NAYS—0.

So the resolution was unanimously adopted.



The following message from the House of Representatives, was received through Mr. Fales, Chief Clerk :

“ Mr. PRESIDENT—The House of Representatives have passed—

No. 60, House of Representatives file, A bill to amend an act entitled an act establishing certain Territorial roads.

No. 74, House of Representatives file, A joint resolution relative to carrying the mails, on steamboats, from St. Louis to Keokuk.

No. 76, House of Representatives file, A bill for an act to incorporate the town of Davenport.

I herewith present for your signature

An act to legalize certain acts of the Board of county Commissioners of Clinton county.

An act to authorize Rachel Holcomb to sell certain real estate.

The same having been signed by the Speaker of the House of Representatives.”

Which were signed by the President.

Mr. Browne, from the committee on public buildings, reported

No. 80, Council file, A bill authorizing the reduction of the minimum price of the unsold lots in Iowa City, and their sale for work and materials ;

Which was read a first time.

Mr. Hastings, from the same committee, reported

No. 81, Council file, A bill for an act to authorize the Territorial agent to enforce the collection of notes given in payment for lots in Iowa City, and for other purposes ;

Which was read a first time,

Mr. Coop moved that the usual number of copies of the bills offered by the committee on public buildings, be printed ;

Which was lost.

Mr. Johnston, from the select committee, to whom was referred

No. 25, House of Representatives file, A bill for an act to provide for levying a tax on real and personal property for road purposes ;

Reported the same back to the Council with sundry amendments, and begged to be discharged from the further consideration of the subject.

On motion,

The committee were discharged.

Mr. Greene, from the committee on engrossed bills, reported that said committee have examined

No. 2, Council file, A bill establishing a Territorial road from Moscow to Iowa City ;

No. 44, Council file, A bill to re-locate a certain part of the Territorial road running from Burlington to the mouth of the Des Moines river ;

No. 68, Council file, A bill for an act to establish a Territorial road from Keosauqua to the southern boundary of the Territory ;

No. 71, Council file, A bill for an act amending an act defining the duties of supervisors of roads and highways ;

And find the same to be correctly engrossed.

No. 20, House of Representatives file, A bill for an act supplementary to an act entitled an act to authorize evidence by the oath of parties,

Being in order, was read a second time.

On motion by Mr. Bailey,



The Council proceeded to consider the same as in committee of the whole, Mr. Browne being in the chair.

After some time spent therein, the bill was reported back to the Council with several amendments.

Mr. Wallace moved to strike out the proviso contained in the bill, and called for the yeas and nays on the same, which were as follows:

YEAS—Messrs. Bainbridge, Hall, and Wallace—3.

NAYS—Messrs. Bailey, Browne, Coop, Greene, Hastings, Johnston, Kirkpatrick, Leffler, Springer, and President—10. Lost.

On motion,

The report of the committee was concurred in, and the bill ordered to a third reading.

On motion by Mr. Johnston,

No. 47, House of Representatives file, A bill to authorize Robert M. G. Patterson to establish and keep a ferry across the Mississippi river, at the mouth of the Nassau Slough,

Was taken from the table.

Mr. Johnston offered the following amendment:

In 10th line, 2d section, after the words "without delay," insert "within five months from the passage of this act."

Which was adopted.

On motion,

The bill was ordered to be engrossed for a third reading.

On motion by Mr. Hastings,

No. 22, Council file, A bill to amend the militia law, was taken from the table, and,

On motion by Mr. Johnston,

Laid upon the table, subject to the order of the Council.

No. 76, House of Representatives file, A bill for an act to incorporate the town of Davenport, being in order,

Was read a first and second time, and,

On motion by Mr. Johnston,

Referred to the committee on incorporations.

No. 60, House of Representatives file, An act to amend an act entitled an act establishing a certain Territorial road therein named, approved January 13th, 1841,

Being in order, was read a first and second time, and,

On motion by Mr. Greene,

Referred to the committee on roads.

No. 74, House of Representatives file, A joint resolution requesting our Delegate to use his influence to have mails carried on board of steamboats from St. Louis to Keokuk,

Being in order, was read a first and second time, and,

On motion,

Ordered for a third reading.

No. 33, House of Representatives file, A bill for the incorporation of religious societies, came up in order, and,

On motion by Mr. Springer,

Laid upon the table, subject to the order of the Council.



No. 39, House of Representatives file, Memorial to Congress for the location of mail routes in Iowa Territory, came up in order;

Mr. Hall moved that the Council proceed to consider the same as in committee of the whole;

Which was carried—Mr. Bailey taking the chair.

After some time spent in its consideration, the memorial was reported back to the Council with sundry amendments.

On motion,

The report of the committee was concurred in.

Mr. Hall offered the following amendment, being the addition of a section:

“Sec. 27. From Keosauqua, Iowa, via Waterloo and Monticello, to Palmyra, Mo.”

Which was adopted.

Mr. Hastings offered the following:

“Sec. 28. From Bloomington, via Storms’ Settlement, in Muscatine county, via Fredonia, to Columbus City, in Lausa county.”

Which was adopted.

Mr. Bainbridge offered the following:

“Sec. 29. From Dubuque, via Prairie du Chien, to Fort Snelling.”

Which was adopted.

On motion,

The bill was ordered to a third reading.

Mr. Bainbridge, in accordance with previous notice, had leave and introduced

No. 82, Council file, An act to repeal an act to regulate the mode of petitioning the Legislature in certain cases;

Which was read a first and second time, and,

On motion by Mr. Bainbridge,

Laid upon the table, subject to the order of the Council.

Mr. Greene, in accordance with previous notice, had leave and introduced

No. 83, Council file, A bill to incorporate the Peekaton Manufacturing Company;

Which was read a first time.

The following bills, being in order, were read a third time and passed; their titles being agreed to:

No. 12, House of Representatives file, An act to district the county of Jackson into three commissioners’ districts;

No. 46, House of Representatives file, A bill to authorize Thomas S. Parks to keep a ferry across the Mississippi river;

No. 51, House of Representatives file, A bill for an act to incorporate a college at Washington, in Washington county;

No. 59, House of Representatives file, A bill to locate and establish a Territorial road from Richmond, in Washington county, to intersect a road from Iowa City to the county line of Washington county;

No. 71, Council file, A bill for an act amending an act defining the duties of supervisors of roads and highways.

No. 2, Council file, A bill establishing a Territorial road from Moscow to Iowa City,

Was read a third time and passed;



Mr. Hastings moved to amend the title, by substituting for the word 'to,' the word 'towards ;'

The amendment was adopted.

No. 68, Council file, A bill for an act to establish a Territorial road from Keosauqua to the southern boundary line of the Territory,

Was read a third time and passed ; title agreed to.

No. 44, Council file, A bill to re-locate a certain part of the Territorial road running from Burlington to the mouth of the Des Moines river,

Was read a third time and passed ; title agreed to.

Ordered, That the Secretary notify the House of Representatives accordingly.

No. 67, Council file, A bill to revive an act to incorporate Iowa City, and for other purposes,

Was read a second time, and,

On motion,

Ordered to be engrossed for a third reading to-morrow.

No. 73, Council file, A bill to authorize Ransom Long to keep a ferry across the Mississippi river, opposite Salem, in Muscatine county,

Was read a second time.

No. 76, Council file, A bill concerning oaths and affidavits,

Was read a second time.

Mr. Bainbridge moved that the Council adjourn ;

Which was lost.

No. 77, Council file, A bill entitled an act to repeal an act relating to auctioneers and auction sales, approved Jan. 17, 1840,

Was read a second time.

No. 79, Council file, A bill amendatory of an act to regulate ferries, approved Dec. 20, 1838, came up in order.

On motion by Mr. Hastings,

The Council proceeded to consider the same as in committee of the whole, Mr. Hall being in the chair.

After some time spent therein, the bill was reported back to the Council without amendment, and was,

On motion by Mr. Johnston,

Laid upon the table, subject to the order of the Council.

No. 35, Council file, A bill to prevent trespass upon lands,

Was read, as amended by the select committee to whom it was referred;

On motion,

The report of the committee was concurred in, and,

The bill ordered to be engrossed for a third reading to-morrow.

No. 69, Council file, A bill to incorporate the Iowa Lodge at Bloomington, Muscatine county, Iowa Territory,

Was read, as amended by the committee on incorporations ;

On motion,

The amendments of the committee were concurred in, and the bill ordered for a third reading.

On motion,

The Council adjourned until to-morrow morning at 10 o'clock.



**Tuesday Morning, Jan. 25, 1842.**

The Council met pursuant to adjournment.

The following message, from the House of Representatives, was received through Mr. Fales, Chief Clerk :

“Mr. PRESIDENT—The House of Representatives have passed—

No. 55, House of Representatives file, A bill to authorize Joseph Stevens to build a dam across Skunk river.

No. 65, House of Representatives file, A bill for an act to legalize the location of a certain Territorial road in Washington county.

No. 67, House of Representatives file, A bill for an act to legalize the location of certain Territorial roads therein named.

No. 68, House of Representatives file, A joint resolution relative to the public printing.

No. 70, House of Representatives file, A bill to amend an act to provide for the appointing Justices of the Peace, &c.

In all of which the concurrence of the Council is requested.

The House have passed, with an amendment—

No. 9, Council file, Preamble and resolution relative to the southern boundary line.

The House have disagreed to the striking out of the 7th section of No. 28, House of Representatives file, A bill for an act to amend an act organizing a Board of County Commissioners in each county, and have agreed to the section added by the Council.

I herewith present, for your signature, five enrolled bills, the same having been signed by the Speaker of the House of Representatives.”

Which were signed by the President.

Mr. Johnston, from the committee on the judiciary, to whom was referred

No. 70, Council file, A bill to make certificates of purchase of lands from any land office in this Territory, evidence of title in the purchaser ;

Reported the same back to the Council without amendment, and begged to be discharged from the further consideration of the subject.

On motion,

The committee were discharged.

Mr. Johnston, from the committee on the judiciary, to whom was referred No. 47, Council file, A bill to amend an act entitled an act concerning the custody of persons arrested for crimes and misdemeanors,

Reported the same back to the Council with one amendment, and asked to be discharged from the further consideration of the subject ;

On motion,

The committee were discharged.



Mr. Johnston, from the committee on the judiciary, reported

No. 84, A bill for an act respecting marks and brands for horses cattle, sheep and hogs ;

Which was read a first time, and,

On motion,

The usual number of copies were ordered to be printed.

Mr. Hall, in accordance with previous notice, had leave and introduced No. 85, Council file, A bill to incorporate the Keosauqua Bridge Company;

Which was read a first and second time, and,

On motion,

Referred to the committee on incorporations.

Mr. Springer, from the joint committee on enrollments, reported that said committee presented, on the 24th inst., to his Excellency the Governor, for his approval,

An act to authorize Rachel Holcomb, administratrix of the estate of Milo Holcomb, dec'd., to sell certain real estate ;

An act to legalize certain acts of the Board of Commissioners of Clinton county.

Mr. Springer gave notice that he would, on to-morrow, or some subsequent day, ask leave to introduce

A memorial to Congress praying for an appropriation to construct a bridge across the Iowa river at Wapello, in Louisa county.

Mr. Johnston, from the committee on the judiciary, to whom was referred No. 37, Council file, A bill entitled an act requiring Justices of the Peace to give notice to the Clerk of the District Court of their resignations, and

No. 39, Council file. An act to amend an act entitled an act to provide for the appointing of Justices of the Peace, to prescribe their duties and to regulate their proceedings, together with a resolution on the same subject, reported

No. 86, A bill for an act to amend an act to provide for the appointment of Justices, to prescribe their powers and duties, and to regulate their proceedings ;

Which was read a first time, and,

On motion,

The usual number of copies were ordered to be printed.

Mr. Hastings, in accordance with previous notice, had leave and introduced

No. 87, Council file, A bill to amend an act concerning writs of attachment ;

Which was read a first time, and,

On motion by Mr. Wallace,

The usual number of copies were ordered to be printed.

On motion by Mr. Springer,

No. 43, Council file, Joint resolution providing for publishing the reports of Supreme Court of the July session, A. D. 1840, and for other purposes,

Was taken from the table, and read a third time.

Mr. Bailey moved that it be referred to a select committee ;

Which was lost.

The question being on the passage of the resolution ;

The yeas and nays were called for by Mr. Wallace,



And were as follows :

YEAS—Messrs. Browne, Hall, Hastings, Johnston, Springer, and President—6.

NAYS—Messrs. Bailey, Bainbridge, Coop, Greene, Kirkpatrick, Leffler, and Wallace—7.

So the resolution was lost.

No. 83, Council file, A bill to incorporate the Peekaton Manufacturing Company, was read a second time.

On motion by Mr. Greene,

The Council proceeded to consider the same in committee of the whole, Mr. Coop being in the chair.

After some time spent therein, the bill was reported back to the Council without amendment.

On motion,

The report of the committee was concurred in, and

The bill was ordered to be engrossed for a third reading.

No. 81, Council file, A bill for an act to authorize the Territorial Agent to enforce the collection of notes given in payment for lots in Iowa City, and for other purposes, was read a second time, and,

On motion by Mr. Browne,

Referred to the committee on the judiciary.

No. 80, Council file, A bill authorizing the reduction of the minimum price of the unsold lots in Iowa City, and their sale for work and materials,

Was read a second time, and,

On motion by Mr. Browne,

Referred to the committee on the judiciary.

No. 75, Council file, A bill amendatory of an act entitled an act regulating grocery license, approved January 4, 1840,

Was read a second time.

On motion by Mr. Hastings,

The Council proceeded to consider the same as in committee of the whole, Mr. Johnston being in the chair;

After some time spent in its consideration, the bill was reported back to the Council with several amendments.

On motion,

The first amendment made by the committee was agreed to.

The question being on the adoption of the second amendment made by the committee,

The yeas and nays were called for by Mr. Springer, and were as follows:

YEAS—Messrs. Coop, Greene, Hastings and Kirkpatrick—4.

NAYS—Messrs. Bailey, Bainbridge, Browne, Johnston, Leffler, Springer, Wallace and President—8.

So the amendment was lost.

On motion by Mr. Kirkpatrick,

The bill was referred to a select committee composed of Messrs. Kirkpatrick, Hastings and Coop.

On motion by Mr. Hastings,

Mr. Bailey, was added to said committee.

Mr. Greene, from the committee on engrossed bills, reported that said committee have examined



No. 35, Council file, A bill to prevent trespass on lands ;

No. 67, Council file, A bill to revive an act to incorporate Iowa City, and for other purposes;

No. 69, Council file, A bill to incorporate the Iowa Lodge at Bloomington, Muscatine county, Iowa Territory,

And find them to be correctly engrossed.

Mr. Hastings, from the committee on Territorial affairs, to whom was referred the communication of Mr. Secretary Stull, reported

No. 88, Council file, Joint resolution instructing our Delegate in Congress to use his influence to obtain an appropriation to defray the unpaid expenses of the Legislative Assembly of the Territory ;

Which was read a first time.

No. 20, House of Representatives file, A bill for an act supplementary to an act entitled an act to authorize evidence by the oath of parties,

Was read a third time.

The question being on its passage,

The yeas and nays were called for by Mr. Bainbridge,

And were as follows :

YEAS—Messrs. Bailey, Browne, Coop, Greene, Hastings, Johnston, Kirkpatrick, Leffler, Springer, and President—10.

NAYS—Messrs. Bainbridge, Hall, and Wallace—3.

So the bill passed ; its title being agreed to.

No. 74, House of Representatives file, A joint resolution requesting our Delegate to use his influence to have mails carried on board of steamboats from St. Louis to Keokuk,

Was read a third time and passed ; title agreed to.

No. 47, House of Representatives file, An act to authorize Robert M. G. Patterson to establish and keep a ferry across the Mississippi river, at the mouth of the Nassau Slough,

Was read a third time and passed ; title agreed to.

No. 39, House of Representatives file, A memorial to Congress for the location of mail routes in Iowa Territory, came up in order.

Mr. Springer offered an amendment,

Which was agreed to.

The bill was read a third time and passed ; title agreed to.

No. 35, Council file, A bill to prevent trespass on lands,

Being in order, was read a third time.

The question being on its passage,

The yeas and nays were called for by Mr. Kirkpatrick,

And were as follows :

YEAS—Messrs. Browne, Coop, Greene, Hall, Hastings, Johnston, Leffler, and Springer—8.

NAYS—Messrs. Bailey, Kirkpatrick, and President—3.

So the bill was passed, and its title agreed to.

No. 67, Council file, A bill to revive an act to incorporate Iowa City, and for other purposes,

Came up in order, and was read a third time and passed ; title agreed to.

No. 69, Council file, A bill to incorporate the Iowa Lodge, at Bloomington, Muscatine county, Iowa Territory,

Was read a third time.



The question being on its passage, the yeas and nays were called for by Mr. Springer, and were as follows :

YEAS—Messrs. Bailey, Browne, Greene, Hall, Hastings, Johnston, Kirkpatrick, and Leffler—8.

NAYS—Messrs. Coop, Springer, and President—3.

So the bill was passed, and title agreed to.

Ordered, That the Secretary notify the House of Representatives accordingly.

No. 70, House of Representatives file, A bill for an act to amend an act entitled an act to provide for the appointing of Justices of the Peace, to prescribe their powers and duties, and regulate their proceedings, approved January 21, 1839,

Was read a first and second time, and,

On motion by Mr. Johnston,

Laid upon the table, subject to the order of the Council.

No. 55, House of Representatives file, A bill to authorize Joseph Stevens to build a dam across Skunk river,

Was read a first and second time, and,

On motion by Mr. Johnston,

Referred to a select committee ;

Messrs. Johnston, Leffler, and Wallace were appointed said committee.

No. 68, House of Representatives file, A joint resolution relative to the public printing, was read a first time.

No. 65, House of Representatives file, A bill for an act to legalize the location of a certain Territorial road in Washington county,

Was read a first time.

No. 67, House of Representatives file, A bill for an act to legalize the location of certain Territorial roads therein named. was read a first time.

No. 9, Council file, Preamble and resolution relative to the southern boundary line of this Territory,

Was read, as amended by the House of Representatives and,

On motion by Mr. Johnston,

The amendments made by the House concurred in.

No. 28, House of Representatives file, A bill for an act to amend an act organizing a board of county commissioners in each county,

Came up in order, the House disagreeing to the amendments made thereto by the Council.

On motion,

The Council insisted on the amendment.

On motion by Mr. Hastings,

No. 17, Council file, A bill to change the time of holding the District Court in the second judicial district, was taken from the table.

Mr. Hastings moved that the Council consider the same as in committee of the whole ;

Which was carried, Mr. Leffler taking the chair ;

After some time spent in its consideration, the bill was reported back to the Council without amendment.

The report of the committee was concurred in, and,

On motion by Mr. Hastings,



The bill was referred to the delegation from the second judicial district, viz: Messrs. Hastings, Springer and Greene.

On motion by Mr. Leffler,

The resolution offered by him, relative to the compensation of James W. Woods, for superintending the printing of Journal, &c., was taken from the table.

Mr. Greene moved an amendment, by adding, after the word "Council," the words "Assistant Secretary be entitled to receive one hundred and fifty dollars for making out the abstracts of the Council during the present session.

The vote being taken on the amendment, it was lost.

The question being on the passage of the resolution,  
It was carried.

On motion,

The Council adjourned until to-morrow morning, at 10 o'clock.

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### Wednesday Morning, Jan. 26, 1842.

The Council met pursuant to adjournment.

A quorum not being present,

Mr. Hastings moved a call of the Council, which was had, the following members answering to their names, viz:

Messrs. Bailey, Bainbridge, Hall, Hastings, Leffler, Springer and President.

The absent members appearing,

Mr. Hall moved that a further call of the Council be dispensed with.

Carried.

The following message was received from the House of Representatives through Mr. Fales, Chief Clerk:

"Mr. PRESIDENT—The House of Representatives have passed—

No. 46, Council file, A joint resolution authorizing payment to George C. Robbins for engraving seals.

No. 55, Council file, A bill to incorporate the Washington Manufacturing Company.

No. 58, Council file, A bill to authorize Jesse Wright and Henry Bateman to keep a ferry.

No. 60, Council file, A joint resolution providing for the distribution of reports of the Supreme Court.

No. 43, House of Representatives file, A bill to amend an act to district the Territory into Electoral districts.

No. 63, House of Representatives file, A bill defining the jurisdiction of the Supreme and District Courts.

No. 75, House of Representatives file, A joint resolution relative to admission into the Union.



The House insist upon their disagreement to the amendment of the Council to No. 28, House of Representatives file.

I herewith present for your signature

An act to authorize Thomas S. Parks to keep a ferry across the Mississippi river.

An act to locate a Territorial road from Richmond, in Washington county.

The same having been signed by the Speaker of the House of Representatives."

Which were signed by the President.

Mr. Hastings presented the petition of sundry citizens of Muscatine county, praying the location of a Territorial road from Salem, in Muscatine county, to Tipton, Cedar county; which,

On motion,

Was referred to the committee on roads.

Mr. Hastings presented the petition of sundry citizens of Muscatine county, praying that the Legislature would take into consideration the subject of reducing the salary, per diem, of the county officers in said county; which,

On motion,

Was referred to the committee on the judiciary.

Mr. Hastings, from the select committee, to whom was referred

No. 17, Council file, A bill to change the time of holding the District Court in the 2d Judicial District;

Reported the same back to the Council with several amendments, and asked to be discharged from a further consideration of the subject.

On motion,

The committee were discharged.

A message from his Excellency, the Governor, was received through Mr. (Secretary) Stull.

Mr. Greene, from the committee on engrossed bills, reported that said committee have examined

No. 83, Council file, A bill to incorporate the Peekaton Manufacturing Company;

And find the same to be correctly engrossed.

Mr. Coop, from the committee on roads, reported

No. 60, House of Representatives file, A bill to amend an act entitled an act establishing certain Territorial roads; with several amendments, and asked to be discharged from a further consideration of the subject.

On motion,

The committee were discharged.

Mr. Greene, from the select committee to whom was referred the petition of sundry citizens of Cedar, Linn and Johnson counties, with regard to the establishment of certain Post Offices, reported

No. 89, Council file, Joint resolution requesting our Delegate in Congress to use his influence, with the Post Master General, relative to the establishment of certain Post Offices, &c.,

Which was read a first time.

Mr. Leffler asked leave and introduced

No. 90, Council file, A memorial to Congress for the relief of Jeremiah Smith, Jr.;

Which was read a first time.



Mr. Springer, from the joint committee on enrollments, reported that said committee presented, on the 25th inst., to his Excellency, the Governor, for his approval

An act to divorce Sarah East from her husband. Hardman E. W. East.

An act to authorize Jason Wilson to erect a dam across Skunk river, in Lee county.

An act to incorporate the town of Mount Pleasant.

A joint resolution instructing our Delegate in Congress to use his influence in procuring a confirmation, or a re-survey, of the present northern boundary line of the Half Breed Sac and Fox reservation in Lee county.

An act to legalize the location of a Territorial road in Henry county.

On motion by Mr. Hastings,

The Council resolved itself into Executive session on the message from his Excellency, the Governor.

The Council resumed its regular session.

Mr. Greene moved, to adjourn ;

On which the yeas and nays were called for by Mr. Bainbridge,

And were as follows :

YEAS—Messrs. Bailey, Bainbridge, Browne, Coop, Greene, Johnston, Leffler, Springer and President—9.

NAYS—Messrs. Hall, Hastings, Kirkpatrick and Wallace—4.

So the Council adjourned until 10 o'clock to-morrow morning.

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### Thursday Morning, Jan. 27, 1842.

The Council met pursuant to adjournment.

Mr. Leffler presented the petition of James L. Morgan, relative to compensation for services rendered the Territory ; which, together with the accompanying documents, were,

On motion by Mr. Browne,

Referred to the committee on claims.

Mr. Greene, from the committee on incorporations, reported, with several amendments,

No. 85, Council file, A bill for an act to incorporate the Keosauqua Bridge Company ; and asked to be discharged from a further consideration of the subject.

On motion,

The committee were discharged.

On motion by Mr. Hall,

The bill was laid upon the table subject to the order of the Council.

Mr. Springer, from the joint committee on enrollments, reported that said



committee presented, on the 26th inst., to his Excellency, the Governor, for his approval

An act to authorize Thomas S. Parks to keep a ferry across the Mississippi river.

An act to locate and establish a Territorial road from Richmond in Washington county, to intersect a road from Iowa City to the county line of Washington county.

An act to incorporate the Washington Manufacturing Company.

A joint resolution providing for the distribution of the reports of the Supreme Court.

An act to authorize the county Commissioners of Van Buren county to grant a license to Jesse Wright and Henry Bateman, to keep a ferry across the Des Moines river, at Watertown.

Preamble and resolution in relation to the southern boundary of this Territory.

A joint resolution authorizing the Secretary to pay George C. Robbins for furnishing seals for the District Courts of Linn and Jones.

Mr. Hastings, from the committee on Territorial affairs, reported

No. 62, Council file, A bill to provide for the inspection of beef and pork in this Territory, with several amendments, and asked to be discharged from the further consideration of the subject.

On motion,

The committee were discharged.

No. 28, House of Representatives file, A bill for an act to amend an act organizing a board of county Commissioners in each county ;

Came up in order, as returned by the House of Representatives, the House insisting on their disagreement to the amendment made by the Council.

Mr. Bailey moved that the Council recede from their amendment.

On motion by Mr. Greene,

The bill was ordered to be laid upon the table until to-morrow.

No. 75, House of Representatives file, A joint resolution relative to admission into the Union ;

Was read a first time.

No. 63, House of Representatives file, A bill for an act defining the jurisdiction of the Supreme and District Courts ;

Was read a first and second time, and

On motion by Mr. Hall,

Referred to the committee on the judiciary.

No. 43, House of Representatives file, A bill to amend an act to district the Territory of Iowa into Electoral districts, &c;

Was read a first and second time.

Mr. Browne moved its indefinite postponement ;

Which was lost, and

On motion by Mr. Bainbridge,

The bill was ordered to be laid upon the table.

No. 90, Council file, A memorial to Congress for the relief of Jeremiah Smith Jr.;

Was read a second time, and

On motion by Mr. Leffler,

Ordered to be engrossed for a third reading to-morrow.



No. 89, Council file, Joint resolution requesting our Delegate in Congress to use his influence with the Post Master General, relative to the establishment of certain Post Offices ;

Was read a second time, and

On motion by Mr. Wallace,

The Council proceeded to consider the same as in committee of the whole, Mr. Coop being in the chair.

After some time spent in its consideration, the memorial was reported back to the Council with several amendments.

On motion,

The report of the committee was concurred in.

Mr. Bailey offered the following amendment, viz :

That Post Offices be established, in Van Buren county, at Byron F. Wilson's and James Brooks';

Which was adopted.

Mr. Springer offered the following :

That a Post Office be established at Columbus City, in Louisa county.—  
Also,

A Post Office at Crawfordsville in Washington county ;

Which were adopted.

Mr. Coop offered the following :

That a Post Office be established in Jefferson county at John Jewett's ;

Which was adopted.

Mr. Greene offered the following :

That a Post Office be established at Franklin, in Linn county ;

Which was adopted.

Mr. Wallace offered the following :

That a Post Office be established at Washington in Henry county ;

Which was adopted.

Mr. Leffler offered the following :

That a Post Office be established at Dodgeville in Des Moines county ;

Which was adopted.

Mr. Hastings offered the following :

That a Post Office be established at Poweshiek, Muscatine county ;

Which was adopted.

On motion,

The memorial was ordered to be engrossed for a third reading.

No. 68, House of Representatives file, A joint resolution relative to the public printing ;

Was read a second time.

No. 67, House of Representatives file, A bill for an act to legalize the location of certain Territorial roads therein named ;

Was read a second time.

No. 65, House of Representatives file, A bill for an act to legalize the location of a certain Territorial road in Washington county ;

Was read a second time.

No. 88, Council file, Joint resolution instructing our Delegate in Congress to use his influence to obtain an appropriation to defray the unpaid expenses of the Legislative Assembly, was read a second time, and,

On motion by Mr. Hastings,



Ordered to be engrossed for a third reading to-morrow.

No. 84, Council file, A bill for an act respecting marks and brands for horses, cattle, sheep and hogs, was read a second time, and,

On motion by Mr. Hastings,

The Council proceeded to consider the same as in committee of the whole, Mr. Greene being in the chair;

After some time spent in its consideration, the same was reported back to the Council with sundry amendments.

On motion,

The report of the committee was concurred in, and

The bill ordered to be engrossed for a third reading.

The following message from the House of Representatives was received through Mr. Fales, Chief Clerk:

"Mr. PRESIDENT—I herewith present for your signature, four enrolled bills, the same having been signed by the Speaker of the House of Representatives.

The House have disagreed to all the amendments made by the Council to No. 39, House of Representatives file, A memorial to Congress for the location of mail routes in Iowa Territory."

The bills were signed by the President.

No. 17, Council file, A bill to change the time of holding the District Court in the 2d Judicial District, being in order,

Mr. Greene moved that the Council consider the same as in committee of the whole;

Which was carried, Mr. Kirkpatrick taking the chair.

After some time spent in its consideration, the same was reported back to the Council with several amendments.

On motion,

The report of the committee was concurred in, and

The bill ordered to be engrossed for a third reading.

No. 25, House of Representatives file, A bill for an act to provide for levying a tax on real and personal property for road purposes, came up in order.

On motion by Mr. Springer,

The Council proceeded to a consideration of the same, as in committee of the whole, Mr. Wallace being in the chair;

After some time spent therein, the same was reported back to the Council without amendment.

On motion,

The report of the committee was concurred in.

Mr. Hastings offered the following amendment:

Sec. 8. That all laws now in force in this Territory, authorizing the levying of a poll tax, be and the same are hereby repealed.

Mr. Springer offered an amendment by striking out the words "poll tax," and insert "taxes in the Territory of Iowa,"

And the question being on the same,

The yeas and nays were called for by Mr. Hastings, and were as follows:

YEAS—Messrs. Kirkpatrick, Springer, and President—3.

NAYS—Messrs. Bailey, Bainbridge, Browne, Coop, Greene, Hall, Hastings, Leffler, and Wallace—9. Lost.



The question recurring on the original amendment,

Mr. Springer called for the yeas and nays, which were as follows :

YEAS—Messrs. Bailey, Bainbridge, Browne, Coop, Greene, and Hastings—6.

NAYS—Messrs. Hall, Kirkpatrick, Leffler, Springer, Wallace and President—6.

So the amendment was rejected.

Mr. Wallace moved an amendment by striking out the word "shall," in Sec. 1, and inserting the word "may," and called for the yeas and nays on the same, which were as follows :

YEAS—Messrs. Bailey, Bainbridge, Coop, Greene, Hall, Hastings, Kirkpatrick, Leffler, and Wallace—9.

NAYS—Messrs. Browne, Springer, and President—3.

So the amendment was agreed to.

The question being on the bill coming up for a third reading,

The yeas and nays were called for by Mr. Hastings, and were as follows:

YEAS—Messrs. Bailey, Bainbridge, Browne, Coop, Greene, Hall, Kirkpatrick, Leffler, Wallace, and President—10.

NAYS—Messrs. Hastings, and Springer—2.

So the bill was ordered to a third reading.

No. 39, House of Representatives file, A memorial to Congress for the location of mail routes in Iowa Territory,

Came up in order, the House of Representatives disagreeing to the amendments made by the Council in the same.

Mr. Wallace moved that the Council adhere to its amendments ;

Which was carried.

Mr. Hastings moved that the Council adjourn ;

On which Mr. Leffler called for the yeas and nays, which were as follows:

YEAS—Messrs. Bainbridge, Browne, Coop, Hall, Hastings, and Springer—6.

NAYS—Messrs. Bailey, Greene, Kirkpatrick, Leffler, Wallace, and President—6.

So the motion was lost.

Mr. Bainbridge moved that the Council adjourn ;

On which Mr. Hastings called for the yeas and nays, which were as follow:

YEAS—Messrs. Bainbridge, Browne, Coop, Hall, and Springer—5.

NAYS—Messrs. Bailey, Greene, Hastings, Kirkpatrick, Leffler, Wallace, and President—7.

So the motion was lost.

No. 70, Council file, A bill to make certificates of purchase of lands from any land office in this Territory, evidence of title in the purchaser,

Came up in order, and,

On motion,

Was ordered to be engrossed for a third reading.

No. 47, Council file, A bill to amend an act entitled an act in relation to the safe custody of persons arrested for crimes and misdemeanors,

Came up in order, as reported by the committee on the judiciary.

On motion,

The report of the committee was concurred in.

Mr. Hastings moved that the bill be referred to the committee on county and township boundaries ;



Which was lost.

Mr. Coop moved an amendment, by striking out the word "four," and inserting the word "two;" which was carried.

On motion,

The bill was ordered to be engrossed for a third reading.

Mr. Springer moved to adjourn until 10 o'clock to-morrow morning;

Which was lost.

Mr. Browne moved to adjourn until 9 o'clock to-morrow morning;

Which was lost.

Mr. Hastings had leave and introduced

No. 92, Council file, A bill to repeal all laws now in force in the Territory of Iowa, authorizing the levying of a poll tax;

Which was read a first time.

Mr. Wallace moved that it be indefinitely postponed; which was lost.

No. 83, Council file, A bill to incorporate the Peekaton Manufacturing Company, came up in order, and was,

On motion by Mr. Hastings,

Referred to the committee on Territorial affairs.

Mr. Greene offered the following:

*Resolved*, That Edward J. Darkin be allowed the sum of one hundred and fifty dollars for preparing abstracts of the Journal of the Council for publication, during the present session, and that the committee on expenditures be instructed to incorporate the same in the appropriation bill; which was,

On motion by Mr. Browne,

Ordered to be laid upon the table, subject to the order of the Council.

Mr. Springer moved that the Council adjourn until 10 o'clock on to-morrow morning, and called for the yeas and nays, which were as follows;

YEAS—Messrs. Hall, Kirkpatrick, Springer, Wallace, and President—5.

NAYS—Messrs. Bailey, Browne, Coop, Greene, Hastings, and Leffler—6.

So the motion was lost.

On motion by Mr. Hall,

The Council adjourned until to-morrow morning, at 9 o'clock.



**Friday Morning, Jan. 28, 1842.**

The Council met pursuant to adjournment.

Mr. Springer presented the petition of sundry citizens of the county of Washington, praying that a charter may be granted by the Legislature to an Exporting Company; which was,

On motion,

Referred to a select committee composed of Messrs. Springer, Leffler, and Hastings.

Mr. Hall presented the petition of sundry citizens of Van Buren county, asking for a change in the criminal code in relation to counterfeiting; which,

On motion,

Was referred to the committee on the judiciary, with instructions to report a bill.

Mr. Hall presented the petition of sundry citizens of Van Buren county, praying the re-location of a certain Territorial road; which,

On motion,

Was referred to a select committee, composed of Messrs. Hall and Bailey.

Mr. Hastings, from the committee on incorporations, to whom was referred No. 83, Council file, A bill to incorporate the Peekaton Manufacturing Company,

Reported the same back to the Council with sundry amendments, and asked to be discharged from a further consideration of the subject.

On motion,

The committee were discharged.

Mr. Greene, from the committee on engrossed bills, reported that said committee have examined

No. 89, Council file, Joint resolution requesting our Delegate in Congress to use his influence, with the Post Master General, relative to the establishment of certain Post Offices;

No. 84, Council file, A bill for an act respecting marks and brands for horses cattle, sheep and hogs;

No. 70, Council file, A bill to make certificates of purchase of lands from any land office in this Territory, evidence of title in the purchaser;

No. 88, Council file, Joint resolution instructing our Delegate in Congress to use his influence to obtain an appropriation to defray the unpaid expenses of the Legislative Assembly of the Territory of Iowa;

No. 47, Council file, A bill to amend an act entitled an act concerning the custody of persons arrested for crimes and misdemeanors;

No. 17, Council file, A bill to change the time of holding the District Court in the second judicial district;



And find the same to be correctly engrossed.

No. 87, Council file, A bill to amend an act concerning writs of attachment;

Mr. Hasting moved that the Council consider the same in committee of the whole; which was lost, and,

On motion by the same gentleman,

The bill was referred to the committee on the judiciary.

No. 76, Council file, A bill concerning oaths and affidavits,

Was read a second time, and,

On motion by Mr. Hastings,

Ordered to be engrossed for a third reading to-morrow.

No. 60, House of Representatives file, An act to amend an act entitled an act establishing a certain Territorial road therein named, approved January 13, 1841,

Came up in order, as reported by the committee on roads.

On motion,

The amendments made by the committee were concurred in, and the bill ordered to a third reading.

A message from his Excellency, the Governor, was received through Mr. (Secretary) Stull.

No. 13, Council file, A bill to authorize Ransom Long to keep a ferry across the Mississippi river, opposite Salem, in Muscatine county,

Came up in order, and was,

On motion by Mr. Hastings,

Referred to the committee on Territorial affairs.

No. 77, Council file, A bill entitled an act to repeal an act relating to auctioneers and auction sales, approved Jan. 17, 1840, came up in order;

On motion by Mr. Hastings,

The Council proceeded to consider the same in committee of the whole, the same gentleman being in the chair.

After some time spent therein, the bill was reported back to the Council without amendment, and,

On motion by Mr. Hastings,

Was ordered to be laid upon the table until to-morrow.

No. 65, House of Representatives file, A bill for an act to legalize the location of a certain Territorial road in Washington county,

Came up in order, and was,

On motion,

Ordered to a third reading.

No. 67, House of Representatives file, A bill for an act to legalize the location of certain Territorial roads therein named, came up in order, and,

On motion,

Was ordered to a third reading.

No. 68, House of Representatives file, A joint resolution relative to the public printing, was,

On motion by Mr. Hall, that the usual rule be suspended,

Read a second and third time, and passed.

No. 75, House of Representatives file, A joint resolution relative to admission into the Union, was,

On motion by Mr. Springer, that the usual rule be suspended,



Read a second and third time, and passed.

Ordered, That the Secretary notify the House of Representatives accordingly.

The following message, from the House of Representatives, was received through Mr. Fales, Chief Clerk:

"Mr. PRESIDENT—The House of Representatives have rejected—

No. 35, Council file, A bill to prevent trespass on lands.

I herewith present, for your signature, two enrolled bills and three joint resolutions, the same having been signed by the Speaker of the House of Representatives."

Which were signed by the President.

No. 25, House of Representatives file, A bill for an act to provide for levying a tax on real and personal property for road purposes,

Was read a third time.

The question being on its passage, the yeas and nays were called for by Mr. Springer, and were as follows:

YEAS—Messrs. Bailey, Browne, Coop, Greene, Hall, Kirkpatrick, Leffler and President—8.

NAYS—Messrs. Bainbridge, Hastings and Springer—3.

So the bill was passed, and its title agreed to.

The following bills came up in order:

No. 17, Council file, A bill to change the time of holding the District Court in the 2d Judicial District;

Was read a third time and passed; title agreed to.

No. 48, Council file, A bill to amend an act entitled an act in relation to the safe custody of persons arrested for crimes and misdemeanors,

Was read a third time and passed; title agreed to.

No. 70, Council file, A bill to make certificates of purchase of lands from any land office in this Territory, evidence of title in the purchaser,

Was read a third time and passed; title agreed to.

No. 84, Council file, A bill for an act respecting marks and brands for horses, cattle, sheep and hogs,

Was read a third time and passed; title agreed to.

No. 88, Council file, Joint resolution instructing our Delegate in Congress to use his influence to obtain an appropriation to defray the unpaid expenses of the Legislative Assembly of the Territory of Iowa,

Was read a third time and passed.

No. 89, Council file, Joint resolution requesting our Delegate in Congress to use his influence with the Post Master General relative to the establishment of certain post offices,

Was read a third time and passed.

Ordered, That the Secretary notify the House of Representatives accordingly.

No. 92, Council file, A bill to repeal all laws now in force in the Territory of Iowa authorizing the levying of a poll tax, was read a second time, and,

On motion by Mr. Springer,

Referred to the committee on the judiciary.

No. 62, Council file, A bill to provide for the inspection of beef and pork in this Territory,

Came up in order, as reported by the committee on Territorial affairs, and,



On motion by Mr. Leffler,

The Council proceeded to a consideration the same as in committee of the whole, Mr. Springer being in the chair;

After some time spent therein, the same was reported back to the Council with sundry amendment.

On motion by Mr. Coop,

The bill was referred to the committee on Finance.

No. 15, House of Representatives file, as reported by the committee on the judiciary, being the special order of the day, was,

On motion by Mr. Coop,

Considered by the Council as in committee of the whole, Mr. Bainbridge being in the chair;

After some time spent therein, Mr. Johnston moved that the committee rise, report progress, and ask leave to sit again. Which was carried.

Mr. Hall moved that the committee have leave to sit again on Monday next. Which was carried.

Mr. Browne moved that the Council resolve itself into executive session.

Which was carried.

On motion,

The Council resumed its regular session.

Mr. Browne moved that the Council adjourn until 10 o'clock on Monday morning.

On which the yeas and nays were called for by Mr. Hastings,

And were as follows :

YEAS—Messrs. Browne, Greene, Hall, Johnston, Leffler, Wallace, and President—7.

NAYS—Messrs. Bailey, Bainbridge, Coop, Hastings, Kirkpatrick, and Springer—6.

So the Council adjourned until 10 o'clock on Monday morning.

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### Monday Morning, Jan. 31, 1842.

The Council met pursuant to adjournment.

The following message from the House of Representatives was received through Mr. Fales, Chief Clerk :

“Mr. PRESIDENT—The House of Representatives have passed—

No. 38, Council file, A bill to amend an act entitled an act for opening and regulating roads and highways.

No. 44, Council file, A bill to relocate a certain part of the Territorial road running from Burlington to the mouth of the Des Moines river, (with amendments.)

No. 56, Council file, A bill for an act to amend an act entitled an act for the benefit of settlers on the half-breed lands.



No. 67, Council file, A bill to revive an act to incorporate Iowa City, and for other purposes.

No. 68, Council file, A bill for an act to establish a Territorial road from Keosauqua to the southern boundary of the Territory.

No. 71, A bill for an act amending an act defining the duties of supervisors of roads and highways.

No. 72, House of Representatives file, A bill to provide for opening and improving the National road.

No. 78, House of Representatives file, A memorial to Congress for an appropriation to improve the rapids in the Mississippi river.

No. 81, House of Representatives file, A bill for an act for the relief of the poor.

No. 82, House of Representatives file, A bill for an act to authorize the establishment of poor houses.

No. 83, House of Representatives file, A bill to locate and establish a Territorial road from Marion, in Linn county, to the Indian boundary, in Benton County.

No. 84, House of Representatives file, A bill for an act to divorce Sarah Wilson from her husband John Wilson.

No. 86, House of Representatives file, A bill for an act to divorce Sarah Connelly from her husband, William Connolly.

No. 87, House of Representatives file, A bill establishing a Territorial road from Denson's Ferry, on the Wabesipinicon, towards Dubuque.

No. 88, House of Representatives file, A bill to provide for the election of an Acting Commissioner at Iowa City, defining his duties, and for other purposes.

No. 89, House of Representatives file, A bill to authorize Wm. Pickerell, and others, to construct, keep, and maintain a dam across Skunk river.

The House adhere to their disagreement to the amendments made by the Council to

No. 39, House of Representatives file, A memorial to Congress for the location of mail routes.

The House have also passed—

No. 71, House of Representatives file, A bill for an act subjecting real and personal estate to execution.

No. 77, House of Representatives file, A bill for the encouragement of agriculture.

No. 91, House of Representatives file, A resolution authorizing the payment of money to James F. Hanby.

No. 93, House of Representatives file, A bill to review a part of the Territorial road from Keokuk to Iowaville.

No. 96, House of Representatives file, A bill to re-locate the county seat of Lee county.

No. 101, House of Representatives file, A resolution authorizing the payment of money to John Lorton.

In all of which the concurrence of the Council is requested.

The House have agreed to all the amendments made by the Council to

No. 25, House of Representatives file, A bill for an act to provide for levying a tax on real and personal property for road purposes, except the 7th section added by the Council, to which the House have disagreed.



The House have appointed Messrs. Morgan, Biggs, Hebard, Felkner and Robertson the committee on the part of the House, in compliance with the joint resolution relative to the public printing."

Mr. Hastings presented the petition of sundry citizens of Muscatine and Johnson, praying the appointment of a commissioner to locate a Territorial road from some point near Col. Chas. Nealy's, on the nearest and best route to Iowa City; which,

On motion,

Was referred to the committee on roads.

Mr. Hastings presented the report of the Grand Inquest for the body of Muscatine county; which,

On motion,

Was referred to the select committee to whom was referred a bill to amend the law concerning grocery licenses.

Mr. Hastings presented the petition of sundry citizens of Muscatine county, praying that commissioners may be appointed to establish a Territorial road between Toolsborough, in Louisa county, and Iowa City; which,

On motion,

Was referred to the committee on roads.

Mr. Hastings presented the petition of sundry citizens of Muscatine county, praying the establishment of a Territorial road from Bloomington, via Storms' Settlement, in Muscatine county, to Fredonia, in Louisa county, which,

On motion,

Was referred to the committee on roads.

Mr. Springer presented the remonstrance of sundry citizens of Washington county, against the repeal of an act entitled "an act regulating blacks and mulattoes," which,

On motion was ordered to be laid upon the table.

Mr. Springer presented the petition of sundry citizens of Louisa county, praying that a ferry license may be granted to William Milligan and Daniel Brewer; which,

On motion,

Was referred to the committee on incorporations.

Mr. Coop presented the petition of sundry citizens of Jefferson and Washington counties, praying the re-location of a certain Territorial road from Brighton, in Washington county, to Fairfield in Jefferson county, which,

On motion,

Was referred to the committee on roads,

Mr. Bailey presented the petition of sundry citizens of the town of Keosauqua, in the county of Van Buren, praying for an act of incorporation under the name of "the city of Keosauqua;" which,

On motion,

Was referred to a select committee composed of Messrs. Bailey and Hall.

Mr. Springer, from the joint committee on enrollments, reported that said committee presented, on the 28th inst., to his Excellency the Governor, for his approval and signature,

A joint resolution requesting our Delegate in Congress to use his influence to have mails carried on board of steamboats from St. Louis to Keokuk.



An act to district the county of Jackson into three commissioners' districts.

An act supplementary to an act entitled an act to authorize evidence by the oath of parties.

An act to authorize Robert M. G. Patterson to keep a ferry across the Mississippi river at the mouth of the Nassau Slough.

An act to incorporate a college at Washington, in Washington county.

An act to authorize the County Commissioners of Van Buren county to grant a license to Jesse Wright and Henry Bateman to keep a ferry across the Des Moines river, at Watertown.

Preamble and resolution in relation to the southern boundary line of this Territory.

A joint resolution providing for the distribution of the Reports of the Supreme Court.

A joint resolution authorizing the Secretary to pay George C. Robbins for furnishing seals for the District Courts of Linn and Jones ; and

An act to incorporate the Washington Manufacturing Company.

Mr. Springer, from the select committee to whom was referred the petition of sundry citizens of the county of Washington, reported

No. 93, Council file, A bill to incorporate the Brighton Exporting and Importing Company;

Which was read a first time.

Mr. Johnston, from the select committee to whom was referred

No. 55, House of Representatives file, A bill to authorize Joseph Stevens to build a dam across Skunk river,

Reported the same back to the Council without amendment, and asked to be discharged from a further consideration of the subject.

On motion,

The committee were discharged.

Mr. Greene, from the committee on engrossed bills, reported that said committee have examined

No. 90, Council file, A memorial to Congress for the relief of Jeremiah, Smith, Jr.

An find it correctly engrossed, and also,

No. 76, Council file, A bill concerning oaths and affidavits.

Mr. Leffler, from the committee on finance, to whom was referred

No. 62, Council file, A bill to provide for the inspection of beef, and pork and flour in this Territory,

Reported the same back to the Council with sundry amendments, and asked to be discharged from a further consideration of the subject.

On motion,

The committee were discharged.

Mr. Johnston gave notice that on to-morrow, or some subsequent day, he would ask leave to introduce

A bill for an act authorizing James Muir, a minor, to execute a deed to Anson L. Deming and Jesse C. Smith.

On motion by Mr. Browne,

The Council resolved itself into Executive session.

The Council resumed its regular session.

Mr. Bailey, from the committee on common schools, made a report accompanied with



No. 94, Council file, A bill entitled an act to raise a fund for the purchase of libraries in the school districts in this Territory.

The report was read, and,

On motion,

The committee were discharged.

Mr. Hastings moved that 500 copies of the report be printed.

Mr. Leffler moved the following amendment: "and that the usual number of the bill be printed"

Mr. Wallace moved a division of the question, and called for the yeas and nays on the same, which were as follows:

YEAS—Messrs. Bailey, Coop, Greene, Hall, Hastings, Kirkpatrick, Leffler, Springer and President—9.

NAYS—Messrs. Bainbridge, Browne, and Wallace—3.

So the motion to print 500 copies of the report was carried.

The question recurring on Mr. Leffler's amendment, it was carried and the usual number of the bill ordered to be printed.

No. 38, Council file, A bill to amend an act entitled an act for opening and regulating roads and highways, approved Jan. 17, 1840,

Came up in order, as amended by the House of Representatives.

Mr. Springer moved that the Council disagree to the amendments made by the House.

On which the yeas and nays were called for by Mr. Wallace,

And were as follows:

YEAS—Messrs. Coop, Greene, Hall, Kirkpatrick, Springer and President—6.

NAYS—Messrs. Bailey, Bainbridge, Browne, Hastings, Johnston, Leffler, and Wallace—7.

So the motion was lost.

The amendments made by the House were concurred in.

The following bills came up in order:

No. 72, House of Representatives file, A bill to provide for opening and improving the National road, was read a first time.

No. 78, House of Representatives file, A memorial to Congress for an appropriation to improve the rapids in the Mississippi river,

Was read a first time.

No. 81, House of Representatives file, A bill for an act for the relief of the poor,

Was read a first and second time, and,

On motion,

Referred to the committee on Territorial affairs.

No 82, House of Representatives file, A bill for an act to authorize the establishment of poor houses,

Was read a first and second time, and,

On motion,

Referred to the committee on Territorial affairs.

No. 96, House of Representatives file, A bill for an act to re-locate the county seat of Lee county,

Was read a first and second time, and, together with the accompanying documents,

On motion,



Referred to a select committee composed of Messrs. Johnston and Browne.

No. 83, House of Representatives file, A bill to locate and establish a Territorial road from Marion, in Linn county, to the Indian boundary in Benton county, was read a first time.

No. 84, House of Representatives file, A bill for an act to divorce Sarah Wilson from her husband, John Wilson, was read a first and second time, and  
On motion by Mr. Wallace,

Laid upon the table subject to the order of the Council.

No. 86, House of Representatives file, A bill for an act to divorce Sarah Connelly from her husband, William Connelly,

Was read a first and second time, and

On motion,

Referred to the committee on Territorial affairs.

No. 87, House of Representatives file, An act entitled an act establishing a Territorial road from Denson's ferry, on the Wabesipinicon, toward Dubuque, was read a first time.

No. 89, House of Representatives file, A bill for an act to authorize William Pickrell, and others, to construct, keep and maintain a dam across Skunk river, was read a first time.

No. 93, House of Representatives file, A bill for an act to review and establish a part of the Territorial road from Keokuk, in Lee county, to Iowa-ville on the Des Moines river,

Was read a first and second time, and

On motion,

Referred to a select committee composed of Messrs. Johnston and Browne.

No. 88, House of Representatives file, A bill to provide for the election of an acting Commissioner at Iowa City, defining his duties, and for other purposes,

Was read a first and second time.

Mr. Hastings moved that it be referred to the committee on the judiciary ;

Which was lost.

On motion by Mr. Johnston,

The bill was referred to the committee on public buildings.

No. 91, House of Representatives file, A resolution authorizing the payment of money to James F. Hanby,

Was read a first and second time, and

On motion,

Referred to the committee on claims.

No. 101, House of Representatives file, A resolution authorizing pay to John Lorton,

Was read a first and second time, and

On motion,

Referred to the committee on claims.

No. 77, House of Representatives file, A bill for an act for the encouragement of agriculture,

Was read a first and second time, and

On motion,

Referred to the committee on agriculture.

No. 71, House of Representatives file, A bill for an act to amend an act subjecting real and personal estate to execution,



Was read a first and second time, and  
On motion,

Referred to the committee on the judiciary.

No. 39, House of Representatives file, A memorial to Congress for the location of mail routes in Iowa Territory.

The House of Representatives insisting on disagreeing to the amendments made by the Council in the same ;

On motion by Mr. Johnston,

It was ordered to be laid upon the table.

No. 25, House of Representatives file, A bill for an act to provide for levying a tax on real and personal property for road purposes.

The House insisting on disagreeing to the amendments made by the Council ;

On motion by Mr. Wallace,

The Council insisted on its amendments.

Messrs. Johnston, Coop and Hall were appointed a committee, on the part of the Council, to act with a similar committee, on the part of the House, relative to the public printing.

No. 76, Council file, A bill concerning oaths and affidavits,

Was read a third time and passed ; title agreed to.

No. 90, Council file, A memorial to Congress for the relief of Jeremiah Smith, Jr.,

Was read a third time and passed.

No. 60, House of Representatives file, An act to amend an act entitled an act establishing a certain Territorial road therein named, approved, January 13th 1841,

Was read a third time and passed ; title agreed to.

No. 65, House of Representatives file, A bill for an act to legalize the location of a certain Territorial road in Washington county,

Was read a third time and passed ; title agreed to.

No. 67, House of Representatives file, A bill for an act to legalize the location of certain Territorial roads therein named,

Was read a third time and passed ; title agreed to.

Ordered, That the Secretary notify the House of Representatives accordingly.

Mr. Bailey moved to adjourn until two o'clock P. M.

Which was lost.

No. 15, House of Representatives file, A bill for an act to amend an act entitled an act regulating criminal proceedings, passed, January 4, 1839,

Coming up in order, it was,

On motion by Mr. Hastings,

Made the order of the day for Wednesday next.

No. 44, Council file, A bill to relocate a certain part of the Territorial road running from Burlington to the mouth of the Des Moines river,

Came up in order as amended by the House.

On motion,

The amendment was concurred in.

Mr. Leffler asked, and had leave, to introduce

No. 95, Council file, Joint resolution requiring the Miners' Bank of Dubuque to resume specie payment,



Was read a first and second time.

On motion by Mr. Hastings,

The Council proceeded to consider the same in committee of the whole, Mr. Hastings being in the chair.

After some time spent therein, the bill was reported back to the Council without amendment.

The report of the committee was concurred in, and

On motion,

The committee had leave to sit again to-morrow.

On motion,

The Council adjourned until to-morrow morning, at 9 o'clock.

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### **Tuesday Morning, Feb. 1, 1842.**

The Council met pursuant to adjournment.

Mr. Hastings presented the petition of John M. Coleman, praying a charter for a ferry across the Iowa river, which,

On motion,

Was referred to the committee on incorporations.

Mr. Springer offered the following :

*Resolved*, That the Cashier of the Miners' Bank of Dubuque be requested to make out and furnish the Council, as soon as may be, with a correct statement of its affairs, verified by his affidavit, which,

On motion,

Was adopted.

Mr. Hastings, from the committee on Territorial affairs to whom was referred

No. 86, House of Representatives file, A bill for an act to divorce Sarah Connelly from her husband, William Connelly,

Reported the same back to the Council without amendment, and asked to be discharged from a further consideration of the subject.

On motion,

The committee were discharged.

Mr. Wallace, from the committee on claims, to whom was referred

No. 59, Council file, A resolution relative to the claim of Samuel Mazzuchelli,

Reported the same back to the Council without amendment, recommending its indefinite postponement, and asked to be discharged from a further consideration of the subject.

The committee were discharged ; and,

On motion by Mr. Hastings,



The resolution was ordered to be laid upon the table, subject to the order of the Council.

Mr. Hastings, from the committee on Territorial affairs, to whom was referred

No. 82, House of Representatives file, A bill for an act to authorize the establishment of poor houses,

Reported the same back to the Council without amendment, and asked to be discharged from a further consideration of the subject.

On motion,

The committee were discharged.

Mr. Hastings, from the same committee, to whom was referred

No. 81, House of Representatives file, A bill for an act for the relief of the poor,

Reported the same back to the Council, and asked to be discharged from a further consideration of the subject.

On motion,

The committee were discharged.

Mr. Bailey, from the select committee to whom was referred the petition of sundry citizens of Keosauqua, in Van Buren county, reported

No. 96, Council file, An act to incorporate the city of Keosauqua ;

Which was read a first and second time, and,

On motion,

Referred to the committee on incorporations.

Mr. Springer, from the joint committee on enrolled bills, reported that said committee have examined the following bills, viz :

No. 56, Council file, An act to amend an act entitled an act for the benefit of settlers, &c, on the half-breed lands.

No. 67, Council file, An act to revive an act to incorporate Iowa City, and for other purposes.

No. 68, Council file, An act to establish a Territorial road from Keosauqua to the southern boundary of the Territory ; and

No. 71, Council file, An act amending an act defining the duties of supervisors of roads and highways.

And find the same to be correctly enrolled.

Mr. Greene, from the committee on incorporations, to whom was referred the petition of sundry citizens of Louisa county, praying that a ferry charter might be granted to William Milligan and Daniel Brewer, reported

No. 97, Council file, A bill to authorize William Milligan and Daniel Brewer to keep a ferry at Wapello, in Louisa county ;

Which was read a first time.

No. 25, House of Representatives file, A bill for an act to provide for levying a tax on real and personal property for road purposes,

Came up in order, and,

On motion by Mr. Bailey,

A committee composed of Messrs. Bailey, Hastings, and Hall was appointed by the Council, to confer with a similar committee on the part of the House, relative to the amendments made by the Council to the bill.

On motion by Mr. Wallace,

No. 39, House of Representatives file, A memorial to Congress for the location of mail routes in Iowa Territory,



Was taken from the table, and,

On motion by the same gentleman,

A similar committee, composed of Messrs. Wallace, Kirkpatrick and Springer, were appointed by the Council for the same purpose.

In accordance with the resolution offered by Mr. Springer, Mr. Bainbridge presented the following statement of the Cashier of the Miners' Bank of Dubuque :

*Statement of the affairs of the Miners' Bank of Dubuque, Jan. 1, 1842.*

LIABILITIES.

Capital stock,	\$100,000 00
Discounts received,	880 27
Due depositors,	5,094 25
Special deposits,	3,069 65
Notes on special deposite with other banking institutions,	46,000 00
Bank notes in circulation,	167,030 00
	<hr/>
	\$322,074 17
	<hr/>

ASSETS.

Real estate,	\$ 14,973 14
Personal property,	5,682 03
Stocks,	8,000 00
Loans and Discounts,	151,976 94
Bills of Exchange,	11,588 75
Due from other banking institutions,	53,763 65
Notes of other banks, (chiefly Illinois,	32,812 00
Gold, silver and notes of State Bank of Missouri,	43,277 66
	<hr/>
	\$322,074 17
	<hr/>

I hereby certify that the foregoing is a correct statement of the affairs of the Miners' Bank of Dubuque, according to the best of my knowledge and belief.

(Signed)

T. O. MARTIN, Cashier.

Sworn and subscribed before me, this 1st day of February, 1842.

(Signed)

JOHN HAWKINS, Justice of the Peace,

Which was read, and

On motion,

Was referred to a committee of the whole.

No. 95, Council file, Joint resolution requiring the Miners' Bank of Dubuque to resume specie payment, being the order of the day,

On motion,

The Council resumed its sitting as a committee of the whole, Mr. Hastings being in the chair ;

After some time spent in the consideration of the resolution, it was reported back to the Council with one amendment.

The report of the committee was concurred in.

Mr. Hall moved the indefinite postponement of the resolution ;

On which the yeas and nays were called for by Mr. Bailey,

And were as follows :



YEAS—Messrs. Hall, Springer, and President—3.

NAYS—Messrs. Bailey, Bainbridge, Browne, Coop, Greene, Hastings, Johnston, Kirkpatrick, Leffler, and Wallace—10.

So the motion was lost.

Mr. Coop moved that it be referred to the committee on incorporations, and that Mr. Bainbridge, of Dubuque, and Mr. Wallace, of Henry, be added to said committee, and called for the yeas and nays on the same,

Which were as follows :

YEAS—Messrs. Bailey, Bainbridge, Browne, Coop, Greene, Hastings, Johnston, Kirkpatrick, Leffler, and President—10.

NAYS—Messrs. Hall Springer, and Wallace—3.

So the resolution was so referred.

Mr. Johnston from the select committee to whom was referred

No. 93, Council file, A bill for an act to review and establish a part of the Territorial road from Keokuk, in Lee county, to Iowaville, on the Des Moines river,

Reported the same back to the Council without amendment, and asked to be discharged from a further consideration of the subject.

On motion,

The committee were discharged.

Mr. Johnston, in accordance with previous notice, had leave and introduced

No. 98. Council file, A bill for an act to incorporate the First Methodist Episcopal Church of Fort Madison ;

Which was read a first time. Also,

No. 99, Council file, A bill for an act authorizing James Muir, a minor, to execute a deed to Anson L. Deming and Jesse C. Smith ;

Which was read a first and second time, and,

On motion,

Together with the accompanying documents, referred to the committee on the judiciary.

On motion,

The Council adjourned until 2 o'clock, P. M.

## TWO O'CLOCK, P. M.

The Council met pursuant to adjournment.

Mr. Bailey asked to be excused from acting on the committee of conference appointed to meet a committee on the part of the House on No. 25, House of Representatives file.

On motion,

Mr. Bailey was excused, and Mr. Johnston appointed in his stead.

Mr. Springer offered the following :

*Resolved*, That the committee on public buildings, to whom was referred No. 88, House of Representatives file, A bill to provide for the election of an Acting Commissioner at Iowa City, &c., be instructed to report to the Council to-morrow morning.

And also, that the same committee, to whom was referred a resolution requesting said committee to inquire into the expediency of memorializing Congress to give the reserved sections contiguous to Iowa City to the Terri-



tory for the purpose of completing the Capitol, be instructed to report on tomorrow morning; which,

On motion,

Was adopted.

Mr. Hall from the select committee to whom was referred the petition of sundry citizens of Van Buren county, reported

No. 100, Council file, A bill for an act to re-locate a Territorial road from Farmington to the southern Territorial line;

Which was read a first time.

No. 94, Council file, A bill entitled an act to raise a fund for the purchase of Libraries in the school districts of this Territory,

Being in order, was read a second time.

On motion by Mr. Bailey,

The Council proceeded to consider the same in committee of the whole, Mr. Springer being in the chair.

After some time spent therein, the bill was reported back to the Council without amendment.

On motion,

The report of the committee was concurred in, and

The bill ordered to be engrossed for a third reading.

The following message from the House of Representatives was received through Mr. Fales, Chief Clerk:

"Mr. PRESIDENT—I herewith present for your signature, four enrolled bills, the same having been signed by the Speaker of the House of Representatives.

The House have appointed Messrs. Biggs, Hebard, and Patterson, a committee of conference on the part of the House relative to the disagreeing votes of the two Houses, on

No. 39, House of Representatives file, A memorial to Congress relative to mail routes."

No. 93, Council file, A bill to incorporate the Brighton Exporting and Importing company,

Being in order, was read a second time.

On motion by Mr. Hastings,

The Council proceeded to consider the same in committee of the whole, Mr. Johnston being in the chair;

After some time spent therein, the bill was reported back to the Council without amendment.

On motion,

The report of the committee was concurred in.

Mr. Greene moved an amendment, by striking out all after the word 'Iowa,' in section 6.

On which the yeas and nays were called for by Mr. Hastings,

And were as follows:

YEAS—Messrs. Bailey, Coop, Greene, Hastings, Johnston, Kirkpatrick, Leffler, and President—8.

NAYS—Messrs. Bainbridge, Browne, Hall, Springer, and Wallace—5.

So the amendment was adopted.

Mr. Hastings offered an amendment, by striking out the word 'mixed,' in the first section, and called for the yeas and nays on the same,



Which were as follows :

YEAS—Messrs. Bailey, Coop, Hastings, Johnston, Leffler, and President—6.

NAYS—Messrs. Bainbridge, Browne, Greene, Hall, Kirkpatrick, Springer, and Wallace—7.

So the motion was lost.

On motion,

The bill was ordered to be engrossed for a third reading.

No. 89, House of Representatives file, A bill for an act to authorize W. Pickrell, and others, to construct, keep, and maintain a dam across Skunk river,

Was read a second time, and

On motion by Mr. Springer,

Referred to the committee on incorporations.

No. 83, House of Representatives file, A bill to locate and establish a Territorial road from Marion, in Linn county, to the Indian boundary, in Benton County,

Was read a second time, and,

On motion by Mr. Greene,

Referred to a select committee composed of Messrs. Greene, Bainbridge, and Hastings.

No. 78, House of Representatives file, A memorial to Congress for an appropriation to improve the rapids in the Mississippi river,

Was read a second time, and,

On motion by Mr. Bailey,

Ordered to be engrossed for a third reading to-morrow.

No. 72, House of Representatives file, A bill to provide for opening and improving the National road,

Which was read a second time.

Mr. Hastings moved an amendment, by striking out the word "National," wherever it occurs, and inserting the word "Military."

Which was agreed to, and

On motion by Mr. Coop,

The bill was ordered for a third reading to-morrow.

No. 87, House of Representatives file, An act entitled an act establishing a Territorial road from Denson's Ferry, on the Wabesipinicon, toward Dubuque ;

On motion by Mr. Kirkpatrick,

The bill was referred to a select committee, composed of Messrs. Kirkpatrick, Bainbridge and Greene.

Mr. Greene gave notice that he would, on to-morrow, or some subsequent day, introduce a bill relative to the survey of the town of Marion.

Mr. Browne moved that the resolution relative to the payment of Edward J. Darkin, for making out abstracts of Journal of Council, be taken from the table. Which was done, and

On motion,

The resolution was referred to the committee on claims.

No. 74, Council file, Memorial for donation of lands to establish a seminary of learning at West Point, in Lee county,

Was read a second time, and

On motion,



Ordered to be engrossed for a third reading.

No. 86, Council file, A bill for an act to amend an act to provide for the appointment of Justices, &c.,

Which was read a second time, and,

On motion by Mr. Johnston,

Referred to a committee of the whole, and made the order of the day for Friday next.

No. 28, House of Representatives file, A bill for an act to amend an act organizing a Board of County Commissioners in each county,

Came up in order, and,

On motion by Mr. Springer,

A committee of conference, composed of Messrs. Springer, Wallace, and Greene, was appointed on the part of the Council relative to the disagreeing votes of the two Houses.

Mr. Hastings offered the following :

*Resolved*, That the committee on claims be instructed to inquire into the expediency of allowing George S. Hampton extra pay for copying memorials, and for other extra services.

Mr. Springer offered the following amendment :

Insert after the word "Hampton," "and the other officers of the Council, for whom no provisions have been made for extra compensation for extra services."

On which the yeas and nays were called for by Mr. Hastings,

And were as follows :

YEAS—Messrs. Browne, Hall, Johnston, Kirkpatrick, Leffler, Springer, Wallace and President—8.

NAYS—Messrs. Bailey, Bainbridge, Coop, Greene and Hastings—5.

So the amendment was adopted.

The question recurring on the resolution, as amended,

The yeas and nays were called for by Mr. Springer, and were as follow:

YEAS—Messrs. Browne, Greene, Hall, Hastings, Johnston, Kirkpatrick, Leffler, and President—8.

NAYS—Messrs. Bailey, Bainbridge, Coop, Springer, and Wallace—5.

So the resolution was adopted.

No. 83, Council file, A bill to incorporate the Cedar Rapids Manufacturing Company,

Came up in order, as amended by the committee to whom it was referred.

On motion,

The report of the committee was concurred in, and,

On motion by Mr. Wallace,

The bill was ordered to be laid upon the table.

Mr. Coop, from the committee on roads, to whom was referred the petition of sundry citizens of Jefferson county, reported

No. 101, Council file, A bill to re-locate a part of a Territorial road in Jefferson county ;

Which was read a first time.

Mr. Kirkpatrick, from the select committee to whom was referred

No. 75, Council file, A bill amendatory of an act entitled an act regulating grocery license,

Had leave, and reported, together with the report, a substitute, viz :



No. 102, Council file, A bill to repeal all the existing laws relative to granting grocery licenses.

Mr. Bainbridge moved that the usual number of the bills, together with 500 copies of the report be printed.

On which the yeas and nays were called for by Mr. Springer,

And were as follows:

YEAS—Messrs. Bailey, Browne, Coop, Greene, Hastings, Johnston, Leffler, and President—8.

NAYS—Messrs. Bainbridge, Hall, Springer, and Wallace—4.

So the motin to print was carried.

On motion,

The Council adjourned until 9 o'clock, to morrow morning.

### Wednesday Morning, Feb. 2, 1842.

The Council met pursuant to adjournment.

Mr. Hastings presented the following:

*Resolved*, As the sentiments of this meeting, that we are in favor of changing the present law, so that instead of real estate being subject to redemption when sold under execution, that it be sold at a price not less than two-thirds its appraised value, without redemption; which,

On motion,

Was referred to the committee on the judiciary.

Mr. Hastings presented the proceedings of a meeting of sundry citizens of Bloomington, Muscatine county, on the subject of changing the name of the town of Bloomington, which,

On motion,

Was referred to the committee on incorporations.

Mr. Hastings presented the petition of 79 citizens of the town of Bloomington, praying that the name of the town of Bloomington be changed to that of Muscatine.

Mr. Hastings presented a remonstrance of 101 citizens of the town of Bloomington and county of Muscatine, against any change in the name of said town, which, together with the previous petition,

Was referred to the committee on incorporations.

Mr. Coop presented the petition of sundry citizens of the county of Jefferson, praying for a resurvey of the Territorial road between Brighton and Fairfield, which,

On motion,

Was referred to the committee on roads.

Mr. Springer, from the joint committee on enrollments, reported that said committee presented, on the 1st inst., to his Excellency, the Governor, for his approval



An act to revive an act to incorporate Iowa City, and for other purposes.

An act amending an act defining the duties of Supervisors of roads and highways.

An act to establish a Territorial road from Keosauqua to the southern boundary of the Territory.

Mr. Springer, from the same committee, reported that said committee had examined

No. 38, Council file, A bill to amend an act entitled an act for opening and regulating roads and highways, approved, January 17th 1840 ; and

No. 44, Council file, A bill to relocate a certain part of the Territorial road running from Burlington to the mouth of the Des Moines river,

And found the same to be correctly enrolled.

Mr. Springer, from the committee on the judiciary, to whom was referred

No. 99, Council file, A bill for an act authorizing James Muir, a minor, to execute a deed to Anson L. Deming and Jesse C. Smith,

Reported the same back to the Council with one amendment, and asked to be discharged from a further consideration of the subject.

On motion,

The committee were discharged.

Mr. Hastings, from the committee on Territorial affairs to whom was referred

No. 73, Council file, A bill to authorize Ransom Long to keep a ferry across the Mississippi river, opposite Salem in Muscatine county,

Reported the same back to the Council without amendment, and asked to be discharged from a further consideration of the subject.

On motion,

The committee were discharged.

Mr. Greene, from the committee on incorporations to whom was referred

No. 95, Council file, Joint resolution requiring the Miners' Bank of Dubuque to resume specie payment, reported as a substitute for the same,

No. 103, Council file, A bill requiring the Miners' Bank of Dubuque to resume and continue specie payment,

And asked to be discharged from a further consideration of the subject.

On motion,

The committee were discharged.

Mr. Browne moved a call of the Council, which was had, all the members, Mr. Johnston excepted, answering to their names.

The absentee appearing,

On motion by Mr. Springer,

A further call of the Council was dispensed with.

On motion by Mr. Hastings,

The bill (No. 103, Council file,) was read a first and second time, and

The Council proceeded to consider the same as in committee of the whole, Mr. Bailey being in the chair.

After some time spent in its consideration, the bill was reported back to the Council with one amendment.

On motion,

The report of the committee was concurred in.

Mr. Hastings offered the following, being the addition of

Section 4. Nothing in this act shall be so construed as to legalize the sus-



pension of specie payments, or any other violation or abuse of the charter of said bank ;

And called for the yeas and nays on the same,

Which were as follows :

YEAS—Messrs. Bailey, Bainbridge, Browne, Hastings, Johnston, Kirkpatrick, Leffler, Springer and President—9.

NAYS—Messrs. Coop, Greene, Hall and Wallace—4.

So the amendment was adopted.

Mr. Bainbridge, moved that the bill be indefinitely postponed ;

On which the yeas and nays were called for by Mr. Hastings,

And were as follows :

YEAS—Messrs. Bainbridge, Browne, Hall, Springer, Wallace and President—6.

NAYS—Messrs. Bailey, Coop, Greene, Hastings, Johnston, Kirkpatrick and Leffler—7.

So the motion was lost.

Mr. Bainbridge moved that it be referred to a select committee, the gentleman from Des Moines being chairman of the same.

By leave of the Council, the motion of Mr. Bainbridge was withdrawn.

Mr. Bainbridge moved an amendment by striking out the "4th day of March" and inserting "the first day of August, 1842, provided that said Bank shall resume at as early a day, prior to the first day of August, as the Illinois Banks or the Bank of Indiana ;"

On which the yeas and nays were called for by Mr. Coop,

And were as follows :

YEAS—Messrs. Bainbridge, Browne, Hall, Johnston, Leffler, Wallace and President—7.

NAYS—Messrs. Bailey, Coop, Greene, Hastings, Kirkpatrick and Springer—6.

So the amendment was adopted.

Mr. Coop offered the following amendment.

Section 5. That all and every person resident within this Territory, who may be indebted, either by promisory note, bill, bond or account, or by verbal contract, or any other indebtedness whatever, to said Bank, shall not be compelled by any law now in force, or hereafter to be enforced, in this Territory, to make payment to said Bank previous to the resumption of specie payment by said Bank.

And that all laws conflicting with the provision of this section be, and the same are hereby repealed.

Mr. Bailey moved that the bill and amendments be laid upon the table subject to the order of the Council ;

Which was lost.

The question being on the adoption of Mr. Coop's amendment,

The yeas and nays were called for by Mr. Wallace,

And were as follows :

YEAS—Messrs. Bailey, Coop, Hastings, Johnston, Kirkpatrick, Leffler and President—7.

NAYS—Messrs. Bainbridge, Browne, Greene, Hall, Springer and Wallace—6.

So the amendment was adopted.



Mr. Coop moved that the bill be engrossed and read a third time to morrow;  
On which the yeas and nays were called for by Mr. Springer,

And were as follows:

YEAS—Messrs. Bailey, Coop, Greene, Hastings, Johnston, Kirkpatrick,  
and Leffler—7.

NAYS—Messrs. Bainbridge, Browne, Hall, Springer, Wallace and President—6.

So the bill was ordered to a third reading.

The following message from the House of Representatives, was received  
through Mr. Fales, Chief Clerk:

“Mr. PRESIDENT—The House of Representatives have indefinitely postponed

No. 64, Council file, A bill for an act amending an act regulating weights  
and measures. Also,

No. 69, Council file, A bill to incorporate the Iowa Lodge at Bloomington  
in Muscatine county.”

Mr. Browne gave notice that he would, on to-morrow, ask leave to introduce  
a bill to authorize William Smith to construct a mill dam across the  
Des Moines river in Lee county.

Mr. Johnston from the committee on the judiciary to whom was referred

No. 80, Council file, A bill authorizing the reduction of the minimum  
price of the unsold lots, in Iowa City, and their sale for work and materials.  
Also,

No. 81, Council file, A bill for an act to authorize the Territorial Agent to  
enforce the collection of notes given in payment for lots in Iowa City, and  
for other purposes,

Reported the same back to the Council without amendment, and asked to  
be discharged from a further consideration of the subject.

On motion,

The committee were discharged.

Mr. Greene, from the committee on incorporations to whom was referred

No. 76, House of Representatives file, A bill for an act to incorporate the  
town of Davenport,

Reported the same back to the Council without amendment, and asked to  
be discharged from a further consideration of the subject.

On motion,

The committee were discharged.

Mr. Wallace, from the committee on claims to whom was referred the  
memorial of T. S. Parvin, asking compensation for services as private Secretary  
to the Governor during the first session of the Iowa Legislature,

Reported that said committee have had the same under consideration, and  
are of opinion that the Legislature have no right to authorize the Secretary  
of the Territory to appropriate any money, now in his hands, to pay said  
claim, and asked to be discharged from a further consideration of the subject.

On motion,

The committee were discharged, and

On motion by Mr. Hastings,

The report of committee was ordered to be laid upon the table.

Mr. Johnston from the committee on the judiciary to whom was referred

No. 87, Council file, A bill to amend an act concerning writs of attachment,



Reported the same without amendment, and asked to be discharged from a further consideration of the subject.

On motion,

The committee were discharged.

Mr. Johnston, from the same committee to whom was referred

No. 63, Council file, A bill for an act defining the jurisdiction of the Supreme and District Courts,

Reported the same back to the Council with amendments, and asked to be discharged from a further consideration of the subject.

Mr. Hastings, from the committee on public buildings to whom was referred

No. 88, House of Representatives file, A bill to provide for the election of an Acting Commissioner at Iowa City, defining his duties, and for other purposes,

Reported the same back to the Council with amendments, and asked to be discharged from a further consideration of the subject.

On motion,

The committee were discharged.

Mr. Hastings, chairman of the committee on Territorial affairs, to whom was referred the memorial relative to the sections contiguous to Iowa City, asked leave to delay reporting the same until Monday next.

Which was granted.

Mr. Coop gave notice that he would, on to-morrow, or some day thereafter, ask leave to introduce a bill for an act to provide for the appointment of Masters in Chancery, and to prescribe their duties in certain cases.

On motion,

The Council adjourned until 2 o'clock, P. M.

## TWO O'CLOCK, P. M.

The Council met pursuant to adjournment.

The following message from the House of Representatives, was received through Mr. Fales, Chief Clerk :

“Mr. PRESIDENT—The House of Representatives have appointed Messrs. Whitaker, Toole and Hepner, a committee of conference, on the part of the House, relative to the disagreeing votes of the two Houses on

No. 28, House of Representatives file, A bill for an act to amend an act organizing a Board of County Commissioners in each county ; also,

Messrs. Patterson, Robertson and Quinton a committee of conference, on the part of the House, relative to the disagreeing vote of the two Houses in No. 25, House of Representatives file.

The House of Representatives have passed—

No. 79, House of Representatives file, A bill for an act to compel the Miners' Bank of Dubuque to resume specie payment,

In which the concurrence of the Council is requested.”

Mr. Springer, from the joint committee appointed to confer upon the disagreeing votes of the Council and House of Representatives in relation to the 7th section of

No. 28, House of Representatives file, A bill for an act to amend an act organizing a Board of county Commissioners in each county, reported



That said committees have held a conference upon the subject, and recommend that the amendments made to said bill, by the Council, be agreed to.

On motion,

The report of the committee was concurred in.

On motion by Mr. Browne,

The Council proceeded to consider, in committee of the whole

No. 15, House of Representatives file, A bill for an act to amend an act entitled an act regulating criminal proceedings, passed, January 4, 1839, Mr. Bainbridge being in the chair.

After some time spent in its consideration, the bill was reported back to the Council with amendments.

The question being on concurring in the amendments made by the committee of the whole.

Mr. Johnston moved a call of the Council, which was had, Mr. Bailey only not answering to his name.

The absentee appearing,

On motion by Mr. Kirkpatrick,

The further call of the Council was dispensed with.

The question being on concurring in the first amendment,

It was determined in the negative.

On motion,

The second and third amendments were disagreed to.

On motion,

The fourth amendment was agreed to.

Mr. Wallace moved that the eleventh section be inserted, "That any person convicted of murder, according to the first, second and third sections of an act entitled an act defining crimes and punishments, approved January 25th, 1839, shall be punished by confinement in the penitentiary during his or her natural life. And the court before whom such conviction shall be had, shall, in its sentence, determine what time such offender shall be kept in solitary confinement; and that so much of said sections as require the crime of murder to be punished with death, is hereby repealed; provided that all infractions of said act, committed before the passage of this act, shall be punished according to its provisions,

And called for the yeas and nays on the same;

Which were as follows:

YEAS—Messrs. Hall, Kirkpatrick and Wallace—3.

NAYS—Messrs. Bailey, Bainbridge, Browne, Coop, Greene, Hastings, Johnston, Leffler, Springer and President—10.

So the motion was lost.

Mr. Hastings moved that section 10 be stricken out.

On which the yeas and nays were called for by Mr. Johnston,

And were as follows:

YEAS—Messrs. Bailey, Bainbridge, Coop, Greene, Hall, Hastings, Kirkpatrick, Leffler and Wallace—9.

NAYS—Messrs. Browne, Johnston, Springer and President—4.

So the section was stricken out, and

On motion,

The bill was ordered to a third reading to-morrow.

Mr. Greene moved that



No. 33, House of Representatives file, A bill for the incorporation of religious societies, be taken from the table ;

Which was lost.

On motion by Mr. Springer,

The Council proceeded to consider, in committee of the whole,

No. 97, Council file, A bill to authorize William Milligan and Daniel Brewer to keep a ferry at Wapello in Louisa county, Mr. Browne being in the chair.

After some time spent in its consideration, the same was reported back to the Council with amendments.

On motion,

The report of the committee was concurred in.

Mr. Greene offered the following amendment :

Section 6. Any future Legislature, of the Territory or State of Iowa, may amend or repeal this act ;

Which was lost, and

On motion,

The bill was ordered to be engrossed for a third reading.

No. 98, Council file, A bill for an act to incorporate the First Methodist Episcopal Church of Fort Madison,

Being in order, was read a second time, and

On motion by Mr. Greene,

Laid upon the table subject to the order of the Council.

On motion by Mr. Kirkpatrick,

No. 10, House of Representatives file, A bill to authorize William Smith and Vincent Smith to keep a ferry across the Mississippi river,

Was taken from the table, and

On motion,

Referred to a select committee composed of Messrs. Kirkpatrick, Bainbridge and Greene.

Mr. Springer moved a reconsideration of the vote on taking from the table

No. 33, House of Representatives file, A bill for the incorporation of religious societies ;

Which was decided in the negative.

No. 100, Council file, A bill for an act to re-locate a Territorial road from Farmington to the southern Territorial line,

Being in order, was read a second time, and

On motion,

Ordered to be engrossed for a third reading to-morrow.

No. 101, Council file, A bill to relocate a part of a Territorial road in Jefferson county,

Was read a second time, and

On motion,

Ordered to be engrossed for a third reading to-morrow.

No. 102, Council file, A bill to repeal all the existing laws relative to granting Grocery license,

Was read a second time.

Mr. Springer moved its indefinite postponement ;

On which the yeas and nays were called for by Mr. Wallace,

And were as follows :



YEAS—Messrs. Bailey, Bainbridge, Browne, Coop, Hall, Johnston, Leffler, Springer, Wallace and President—10.

NAYS—Messrs. Greene, Hastings and Kirkpatrick—3.

So the bill was indefinitely postponed.

No. 72, House of Representatives file, A bill to provide for opening and improving the National road, being in order,

Was read a third time, and passed ; title agreed to.

No. 78, House of Representatives file, A memorial to Congress for an appropriation to improve the Rapids in the Mississippi river,

Was read a third time, and passed ; title agreed to.

Ordered, That the Secretary notify the House of Representatives accordingly.

No. 94, Council file, A bill entitled an act to raise a fund for the purchase of Libraries, being on its third reading, was,

On motion by Mr. Wallace,

Referred to a select committee, composed of Messrs. Wallace, Leffler and Kirkpatrick.

Mr. Kirkpatrick, from the select committee to whom was referred

No. 87, House of Representatives file, An act entitled an act establishing a Territorial road from Denson's ferry, on the Wabesipinicon, toward Duquette,

Reported the same back to the Council without amendment, together with a petition on the same subject, and asked to be discharged from a further consideration of the subject.

On motion,

The committee were discharged.

On motion by Mr. Kirkpatrick,

The Council proceeded to a consideration of the same in committee of the whole, Mr. Coop being in the chair.

After some time spent therein, the bill was reported back to the Council with one amendment.

On motion,

The report of the committee was concurred in, and

The bill was ordered to a third reading to-morrow.

On motion by Mr. Greene,

No. 83, Council file, A bill to incorporate the Cedar Rapids Manufacturing Company,

Was taken from the table, read a third time and passed ; title agreed to.

Ordered, That the Secretary notify the House of Representatives accordingly.

No. 86, House of Representatives file, A bill for an act to divorce Sarah Connelly from her husband, William Connelly, was read a second time.

The question being on ordering it to a third reading,

The yeas and nays were called for by Mr. Springer,

And were as follows :

YEAS—Messrs. Bainbridge, Browne, Coop, Hall, Hastings, Johnston, Leffler and Wallace—8.

NAYS—Messrs. Bailey, Greene, Kirkpatrick, Springer, and President—5.

So the bill was ordered to a third reading.

On motion by Mr. Leffler,



The Council proceeded to consider, in committee of the whole, No. 62, Council file, A bill to provide for the inspection of beef and pork in this Territory, Mr. Greene being in the chair.

After some time spent in its consideration, the same was reported back to the Council with sundry amendments.

On motion,

The report of the committee was concurred in.

Mr. Wallace moved that the Council adjourn ;

On which the yeas and nays were called for by Mr. Springer,

And were as follows :

YEAS—Messrs. Bailey, Bainbridge, Coop, Hall, Johnston, Kirkpatrick, Wallace and President—8.

NAYS—Messrs. Browne, Greene, Hastings, Leffler and Springer—5.

So the Council adjourned until 9 o'clock, to morrow morning.

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### Thursday Morning, Feb. 3, 1842.

The Council met pursuant to adjournment.

Mr. Leffler offered the following :

*Resolved*, That O. H. W. Stull, Secretary of the Territory, be allowed the sum of \_\_\_\_\_ dollars, for services rendered, and personal expenses in procuring to be transported from Burlington to Iowa City, (the new capitol,) the effects of the Territory and public library, and for actual labor performed in preparing both houses of the Legislative Assembly of Iowa ; which,

On motion,

Was referred to the committee on claims.

Mr. Greene, from the committee on engrossed bills, reported that said committee have examined

No. 93, Council file, A bill to incorporate the Brighton Exporting and Importing Company ;

No. 103, Council file, A bill requiring the Miners' Bank of Dubuque to resume and continue specie payment ;

And find them to be correctly engrossed.

Mr. Greene, from the committee on incorporations, to whom was referred No. 89, House of Representatives file, A bill for an act to authorize W. Pickrell, and others, to construct, keep, and maintain a dam across Skunk river,

Reported the same back to the Council with amendments, and asked to be discharged from a further consideration of the subject.

On motion,

The committee were discharged.

Mr. Coop, in accordance with previous notice, had leave and introduced



No. 104, Council file, A bill for an act to provide for the appointment of Masters in Chancery, and to prescribe their duties in certain cases.

Which was read a first time, and

On motion,

The usual number of copies were ordered to be printed.

Mr. Kirkpatrick, from the select committee to whom was referred

No. 10, House of Representatives file, A bill to authorize William Smith and Vincent Smith to keep a ferry across the Mississippi river, in Jackson county,

Reported the same back to the Council with one amendment, and asked to be discharged from a further consideration of the subject.

On motion,

The committee were discharged.

The report of the committee was concurred in, and,

The bill was ordered for a third reading to-morrow.

Mr. Kirkpatrick, from the committee on agriculture, to whom was referred

No. 77, House of Representatives file, A bill for an act for the encouragement of agriculture,

Reported the same to the Council without amendment, and asked to be discharged from a further consideration of the subject.

On motion,

The committee were discharged.

Mr. Bailey, from the minority of the select committee to whom was referred a bill amendatory to an act regulating groceries in this Territory, reported

That after some investigation of the subject, they have come to the conclusion that the law existing on that subject at present, is sufficient to answer all the purposes that can now be expected from any law on the subject, and recommend the indefinite postponement of the bill, asking to be discharged from the further consideration of the subject.

On motion by Mr. Browne,

The report of the committee was ordered to be laid upon the table, subject to the order of the Council.

Mr. Greene, from the committee on incorporations, to whom was referred No. 97, Council file, A bill to incorporate the City of Keosauqua,

Reported the same back to the Council with an additional section, and asked to be discharged from a further consideration of the subject.

On motion,

The committee were discharged.

Mr. Browne, in accordance with previous notice, had leave and introduced

No. 105, Council file, A bill to authorize William Smith to build a dam across the Des Moines river, in Lee county ;

Which was read a first and second time, and,

On motion,

Referred to the committee on incorporations.

Mr. Browne had leave and offered

No. 106, Council file, Joint resolution relative to compensating Mr. Walter Butler for the use of the building occupied by the Legislative Assembly during its present session ;

Which was read a first and second time, and



On motion,

Referred to the committee on claims.

No. 79, House of Representatives file, A bill for an act to compel the Miners' Bank of Dubuque to resume specie payment,

Being in order, was read a first time.

No. 62, Council file, A bill to provide for the inspection of beef, pork and flour in this Territory, came up in order.

Mr. Springer offered the following amendment :

Sec. 18. This act shall be in force and take effect from and after the first day of July next.

Mr. Greene moved an amendment to the amendment of Mr. Springer, by striking out the words "the first day of July," and inserting the words, "the first day of May."

The question being on striking out,

The yeas and nays were called for by Mr. Hastings, and were as follows:

YEAS—Messrs. Coop, Greene, Hastings, and Leffler—4.

NAYS—Messrs. Bailey, Bainbridge, Browne, Hall, Kirkpatrick, Springer, and President—7.

The question being on the adoption of section 18,

The yeas and nays were called for by Mr. Leffler, and were as follows:

YEAS—Messrs. Hall, Kirkpatrick, Springer, and President—4.

NAYS—Messrs. Bailey, Bainbridge, Browne, Coop, Greene, Hastings, and Leffler—7.

Mr. Greene offered the following :

Sec. 18. This act shall take effect and be in force from and after the first day of May next;

And called for the yeas and nays on the same.

Mr. Springer moved to amend the amendment, by striking out May and inserting September; which was lost.

The question recurring on the original amendment,

The yeas and nays were called for by Mr. Greene, and were as follows:

YEAS—Messrs. Coop, Greene, Hall, Hastings, Kirkpatrick, and President—6.

NAYS—Messrs. Bailey, Bainbridge, Browne, Leffler, and Springer—5.

So the amendment was adopted, and

On motion,

The bill was ordered to be engrossed for a third reading.

The following message from the House of Representatives was received through Mr. Fales, Chief Clerk :

"Mr. PRESIDENT—The House of Representatives have passed, with amendments—

No. 89, Council file, Joint resolution requesting our Delegate in Congress to use his influence with the Post Master General relative to the establishment of post offices.

The House have also passed—

No. 99, House of Representatives file, A bill for an act to re-locate a part of the Territorial road from Farmington to Dubuque.

No. 102, House of Representatives file, A bill for an act to locate and establish a Territorial road from Charles Nealy's, in Muscatine county, to Iowa City.



No. 103, House of Representatives file, A bill to divorce Nicey Hull from her husband, Cornelius C. Hull.

No. 104, House of Representatives file, A bill for an act to authorize the County Commissioners of Delaware county to pay William Smith, Sen., William Jonas and Thomas Denson for their services in locating the county seat of said county.

I herewith return for your signature, two enrolled bills, the same having been signed by the Speaker of the House of Representatives."

Which were signed by the President.

On motion by Mr. Hall,

No. 84, House of Representatives file, A bill for an act to divorce Sarah Wilson from her husband, John Wilson,

Was taken from the table, and

On motion by Mr. Hastings,

The Council proceeded to consider the same as in committee of the whole, Mr. Bainbridge being in the chair;

After some time spent in its consideration, the bill was reported back to the Council with one amendment.

On motion,

The report of the committee was concurred in.

The question being on its being ordered to a third reading,

The yeas and nays were called for by Mr. Springer, when,

Mr. Hastings moved a call of the Council;

Which was had, all the members, Mr. Johnston excepted, answering to their names.

The absentee appearing,

On motion by Mr. Kirkpatrick,

The further call of the Council was dispensed with, and the Secretary proceeded to call the yeas and nays,

Which were as follows:

YEAS—Messrs. Bainbridge, Browne, Coop, Hall, Hastings, Johnston, Leffler, and Wallace—8.

NAYS—Messrs. Bailey, Greene, Kirkpatrick, Springer, and President—5.

So the bill was ordered to a third reading.

No. 86, House of Representatives file, A bill for an act to divorce Sarah Connelly from her husband, William Connelly,

Being in order, was read a third time.

The question being on its passage,

The yeas and nays were called for by Mr. Springer, and were as follows:

YEAS—Messrs. Bainbridge, Browne, Coop, Hall, Hastings, Johnston, Leffler, and Wallace—8.

NAYS—Messrs. Bailey, Greene, Kirkpatrick, Springer, and President—5.

So the bill was passed.

No. 87, House of Representatives file, An act entitled an act establishing a Territorial road from Denson's Ferry, on the Wabasapinecon, toward Dubuque,

Being in order, was read a third time and passed; title agreed to.

No. 74, Council file, Memorial for a donation of lands to establish a seminary of learning at West Point, in Lee county,

Being in order, was read a third time and passed.



No. 93, Council file, A bill to incorporate the Brighton Exporting and Importing Company,

Being in order, was read a third time and passed ; title agreed to.

No. 103, Council file, A bill requiring the Miners' Bank of Dubuque to resume and continue specie payment;

Being in order, was read a first time.

The question being on its passage,

The yeas and nays were called for by Mr. Bainbridge,

And were as follows :

YEAS—Messrs. Bailey, Coop, Greene, Hastings, Johnston, Kirkpatrick, and Leffler—7.

NAYS—Messrs. Bainbridge, Browne, Hall, Springer, Wallace, and President—6.

So the bill was passed.

Mr. Hall offered the following amendment to the title of the bill :

“And for the relief of the debtors to the Bank within the Territory.”

Which was adopted.

Ordered, That the Secretary notify the House of Representatives accordingly.

Mr. Johnston from the committee on the judiciary to whom was referred

No. 61, Council file, A bill for an act to authorize the appointment of a County Agent in and for the county of Johnston,

Reported the same to the Council without amendment, and asked to be discharged from a further consideration of the subject.

On motion,

The committee were discharged.

Mr. Johnston, from the same committee to whom was referred

No 71, House of Representatives file, A bill for an act to amend an act subjecting real and personal estate to execution,

Reported the same back to the Council with one amendment, and asked to be discharged from a further consideration of the subject.

On motion,

The committee were discharged.

Mr. Johnston gave notice that he would, on to-morrow, or some subsequent day, ask leave to introduce a bill for an act to incorporate the First Presbyterian Church at Fort Madison.

No. 15, House of Representatives file, A bill for an act to amend an act regulating criminal proceedings, passed, January 4, 1839,

Being in order, was read a third time and passed ; title agreed to.

Mr. Hastings moved that No. 33, House of Representatives file, A bill for the incorporation of Religious Societies, be taken from the table ;

Which was lost.

No. 89, Council file, Joint resolution requesting our Delegate in Congress to use his influence with the Post Master General relative to the establishment of certain post offices,

Came up in order, as amended by the House of Representatives.

Mr. Greene moved that the amendment locating a post office at B. M'Gonigle's, Washington Settlement, Linn county, be disagreed to.

Which was carried.

On motion by Mr. Bailey,



The remainder of the amendments made by the House were agreed to.

No. 99, House of Representatives file, A bill for an act to re-locate a part of the Territorial road from Farmington to Dubuque,

Being in order, was read a first and second time, and

On motion,

Referred to a select committee composed of Messrs. Kirkpatrick, Coop, and Hastings.

Mr. Greene gave notice that he would, on to-morrow, or some subsequent day, ask leave to introduce

A bill to incorporate the Methodist Episcopal Church at Marion.

A bill to incorporate the Presbyterian Church at Marion.

A bill to incorporate the Methodist Episcopal Church at Ivanhoe.

A bill to incorporate the Episcopal Church at Davenport.

No. 102, House of Representatives file, A bill for an act to locate and establish a Territorial road from Charles Nealy's, in Muscatine county, to Iowa City, in Johnson county,

Being in order, was read a first and second time, and

On motion,

Referred to the committee on roads.

No. 103, House of Representatives file, A bill for an act to divorce Nicey Hull from her husband, Charles Cornelius Hull,

Was read a first and second time.

Mr. Greene moved its indefinite postponement.

On which the yeas and nays were called for by Mr. Hastings;

Mr. Hall moved a call of the Council, when it appeared that Messrs. Bainbridge and Wallace were absent.

The absentees appearing,

On motion by Mr. Greene,

The further call of the Council was dispensed with.

The yeas and nays were now called, and were as follows:

YEAS—Messrs. Bailey, Greene, Kirkpatrick, Springer, and President—5.

NAVS—Messrs. Bainbridge, Browne, Coop, Hall, Hastings, Johnston, Leffler, and Wallace—8.

So the motion to indefinitely postpone the bill was lost, and

On motion by Mr. Hall,

Referred to a committee of the whole, and made the order of the day for to-morrow.

No. 104, House of Representatives file, A bill to authorize the County Commissioners of Delaware county to pay to William Smith, Sen., William Jonas, and Thomas Denson for their services as commissioners to locate the county seat of said county,

Being in order, was read a first time.

No. 55, House of Representatives file, A bill to authorize Joseph Stevens to build a dam across Skunk river,

Came up in order, and

On motion by Mr. Johnston,

Was laid upon the table subject to the order of the Council.

No. 76, House of Representatives file, A bill for an act to incorporate the town of Davenport, being in order, was

On motion,



Ordered to a third reading.

Mr. Greene, in accordance with previous notice, had leave and introduced No. 106, Council file, A bill relative to the survey of the town of Marion, Which was read a first time.

No. 73, Council file, A bill to authorize Ransom Long to keep a ferry across the Mississippi river opposite Salem, in Muscatine county,

Came up in order, and

On motion,

Was ordered to be engrossed for a third reading.

No. 63, House of Representatives file, A bill for an act defining the jurisdiction of the Supreme and District Courts, being in order,

On motion by Mr. Springer,

The Council proceeded to a consideration of the same in committee of the whole, Mr. Hall being in the chair;

After some time spent therein, the same was reported back to the Council with one amendment.

On motion,

The report of the committee was concurred in, and,

The bill was ordered to a third reading.

Mr. Hastings gave notice that on to-morrow, or some subsequent day, he would ask leave to introduce

A bill to authorize the President and Trustees of the town of Bloomington to vacate alleys in certain cases.

On motion,

The Council adjourned until 2 o'clock, P. M.

## TWO O'CLOCK, P. M.

The Council met pursuant to adjournment.

No. 87, Council file, A bill to amend an act concerning writs of attachment, being in order,

On motion by Mr. Browne,

The Council proceeded to a consideration of the same in committee of the whole, Mr. Kirkpatrick being in the chair:

After some time spent therein, the bill was reported back to the Council with several amendments.

On motion,

The report of the committee was concurred in.

Mr. Springer moved that section 4 be stricken out, and called for the yeas and nays on the same, which were as follows:

YEAS—Messrs. Coop, Hall, Kirkpatrick, Springer, Wallace, and President—6.

NAYS—Messrs. Bailey, Browne, Greene, Hastings, Johnston, and Leffler—6.

So the motion was lost, and

On motion,

The bill was ordered to be engrossed for a third reading.

No. 81, House of Representatives file, A bill for an act for the relief of the poor, came up in order, and

On motion,



Was ordered for a third reading.

No. 82, House of Representatives file, A bill for an act to authorize the establishment of Poor Houses, being in order,

On motion by Mr. Springer,

The Council proceeded to a consideration of the same in committee of the whole, Mr. Greene being in the chair.

After some time spent therein, the bill was reported back to the Council with one amendment.

On motion,

The report of the committee was concurred in.

The question being on the bill being ordered to a third reading,

The yeas and nays were called for by Mr. Kirkpatrick,

And were as follows :

YEAS—Messrs. Hastings, Kirkpatrick, Wallace and President—4.

NAYS—Messrs. Bailey, Browne, Coop, Greene, Johnston, Leffler and Springer—7.

So the bill was lost.

The following message from the House of Representatives was received through Mr. Fales, Chief Clerk :

“Mr. PRESIDENT—I herewith present for your signature, two enrolled bills and one joint resolution, the same having been signed by the Speaker of the House of Representatives ;”

Which were signed by the President.

No. 88, House of Representatives file, A bill to provide for the appointment of an Acting Commissioner at Iowa City, defining his duties, and for other purposes, being in order,

Mr. Hastings moved that the same be considered in committee of the whole.

Mr. Wallace moved a call of the Council,

When it appeared that Messrs. Bainbridge and Hall were absent.

On motion,

The further call of the Council was dispensed with.

The Council now proceeded to consider the bill in committee of the whole, Mr. Johnston being in the chair.

After some time spent in its consideration, the same was reported back to the Council with several amendments,

On motion,

The report of the committee was concurred in.

Mr. Springer moved the following amendment :

After the words “shall be,” in 3d line of 1st section, insert “appointed by the Governor, by and with the advise and consent of the Council.”

Mr. Wallace moved a call of the Council, which was had, all the members answering to their names, Messrs. Bainbridge and Hall excepted.

The absentees appearing,

On motion by Mr. Browne,

The further call of the Council was dispensed with.

Mr. Hastings called for the yeas and nays on Mr. Springer's amendment,

Which were as follows :

YEAS—Messrs. Bainbridge, Browne, Hall, Kirkpatrick, Springer and Wallace—6.



NAYS—Messrs. Bailey, Coop, Greene, Hastings, Johnston, Leffler and President—7.

So the amendment was lost.

Mr. Bainbridge moved the following amendment :

That so much of the 7th section of the organic law, as conflicts herewith, be and the same is hereby repealed ;

On which the yeas and nays were called for by Mr. Hastings,

And were as follows :

YEAS—Messrs. Bainbridge, Springer and Wallace—3.

NAYS—Messrs. Bailey, Coop, Greene, Hall, Hastings, Johnston, Kirkpatrick, Leffler and President—9.

Mr. Browne refusing, was excused from voting.

So the amendment was not adopted.

On motion by Mr. Springer,

The usual rule was suspended and the bill read a third time,

When the question being on its passage,

The yeas and nays were called for by Mr. Johnston,

And were as follows :

YEAS—Messrs. Bailey, Coop, Greene, Hastings, Johnston, Kirkpatrick, Leffler and President—8.

NAYS—Messrs. Bainbridge, Browne, Hall, Springer and Wallace—5.

So the bill passed, and

On motion,

Its title was agreed to.

Mr. Greene, from the select committee to whom was referred

No. 83, House of Representatives file, A bill to locate and establish a Territorial road from Marion, in Linn county, to the Indian boundary in Benton county,

Reported the same back to the Council with several amendments, and asked to be discharged from the further consideration of the subject.

On motion,

The committee were discharged.

Mr. Springer gave notice that he would, on to-morrow or some subsequent day, ask leave to introduce a bill providing for a special term of the Supreme Court.

No. 99, Council file, A bill for an act authorizing James Muir, a minor, to execute a deed to Anson L. Deming and Jesse C. Smith,

Being in order, was read a second time, and

On motion,

Ordered to a third reading to-morrow.

No.'s 80 and 81, Council file, A bill authorizing the reduction of the minimum price of the unsold lots in Iowa City, and their sale for work and materials, and A bill for an act to authorize the Territorial Agent to enforce the collection of notes given in payment for lots in Iowa City, and for other purposes, were,

On motion,

Ordered to be laid upon the table subject to the order of the Council.

Mr. Johnston, from the select committee to whom was referred

No. 96, House of Representatives file, A bill for an act to relocate the county seat of Lee county,



Reported the same back to the Council, and recommended its indefinite postponement.

Mr. Johnston called for the yeas and nays on the same,

Which were as follows:

YEAS—Messrs. Bainbridge, Browne, Hall, Hastings, Johnston, Kirkpatrick, Springer and President—8.

NAYS—Messrs. Bailey, Coop, Greene, Leffler and Wallace—5.

So the bill was indefinitely postponed.

On motion by Mr. Browne,

The report of the minority of the select committee to whom was referred No. 75, Council file, A bill amendatory to an act regulating grocery license, approved, January 4th, 1840, and recommending the indefinite postponement of said bill,

Was taken from the table.

On motion,

The report of the committee was not adopted.

Mr. Springer moved an amendment by striking out "pint," in the 2d line of section 2, and inserting "quart,"

Which was carried.

The question being on the bill being ordered to a third reading,

The yeas and nays were called for by Mr. Leffler,

And were as follows:

YEAS—Messrs. Browne, Hastings, Springer and President—4.

NAYS—Messrs. Bailey, Bainbridge, Coop, Greene, Hall, Kirkpatrick, and Leffler—7.

So the bill was lost.

On motion,

So the Council adjourned until 9 o'clock, to morrow morning.

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### Friday Morning, Feb. 4, 1842.

The Council met pursuant to adjournment.

Mr. Greene presented the petition of sundry citizens of the county of Linn, praying for the re-location of the Territorial road running from Cedar Rapids to Ephraim T. Lewis's, which,

Together with a remonstrance on the same subject, was,

On motion,

Referred to the committee on roads.

Mr. Browne presented the petition of sundry citizens of Iowa City, praying for an act of incorporation for a fire department, which,

On motion,

Was referred to the committee on Territorial affairs.



Mr. Leffler, from the committee on finance to whom was referred the subject of interest on some of the outstanding debts of the Territory, reported

No. 107, Council file, A bill to authorize the payment of interest upon scrip certificates and other evidences of indebtedness issued on behalf of the public buildings ;

Which was read a first time.

Mr. Johnston, from the committee on the judiciary to whom was referred No. 40, Council file, A bill to authorize Boards of Commissioners to appoint agents to dispose of real estate ;

Reported the same back to the Council with several amendments, and asked to be discharged from a further consideration of the subject.

On motion,

The committee were discharged.

Mr. Johnston, in accordance with previous notice, had leave and introduced No. 108, Council file, A bill for an act to incorporate the First Presbyterian Church of Fort Madison ; which was read a first time,

Mr. Kirkpatrick, from the select committee to whom was referred No. 69, House of Representatives file, A bill for an act to re-locate a part of a Territorial road from Farmington to Dubuque,

Reported the same back to the Council with two amendments, and asked to be discharged from a further consideration of the subject.

On motion,

The committee were discharged.

Mr. Greene, from the committee on engrossed bills, reported that said committee have examined

No. 62, Council file, A bill to provide for the inspection of beef, pork and flour in this Territory.

No. 99, Council file, A bill for an act authorizing James Muir, a minor, to execute a deed to Anson L. Deming and J. H. Smith.

No. 73, Council file, A bill to authorize Ransom Long to keep a ferry across the Mississippi river, opposite Salem, in Muscatine county.

No. 101, Council file, A bill to re-locate a part of a Territorial road in Jefferson county.

No. 97, Council file, A bill to authorize William Milligan and D. Brewer to keep a ferry at Wapello in Louisa county ; and

No. 100, Council file, A bill for an act to re-locate a Territorial road from Farmington to the southern Territorial line, and find the same to be correctly engrossed.

Mr. Greene, from the committee on incorporations to whom was referred

No. 105, Council file, A bill to authorize William Smith to construct a dam across the Des Moines river, in Lee county ;

Reported the same back to the Council without amendment, and asked to be discharged from a further consideration of the subject.

On motion,

The committee were discharged.

Mr. Springer from the joint committee on enrollments, reported that said committee presented, on the 3d inst., to his Excellency, the Governor, for his approval

An act to amend an act entitled an act for opening and regulating roads and highways, approved, January, 17, 1840, and



An act to re-locate a certain part of a Territorial road running from Burlington to the mouth of the Des Moines river.

The following bills came up in order:

No. 104, Council file, A bill for an act to provide for the appointment of Masters in Chancery, and to prescribe their duties in certain cases ;

Was read a second time, and

On motion by Mr. Bainbridge,

Referred to the committee on the judiciary.

No. 104, House of Representatives file, A bill to authorize the county Commissioners of Delaware county to pay William Smith, Sen., William Jonas and Thomas Denson, for their services as Commissioners to locate the county seat of said county ;

Was read a second time, and

On motion by Mr. Kirkpatrick,

Ordered for a third reading to-morrow.

No. 106, Council file, A bill relative to the survey of the town of Marion,

Was read a second time, and

On motion,

Ordered to be engrossed for a third reading to-morrow.

No. 76, House of Representatives file, A bill for an act to incorporate the town of Davenport,

Was read a third time and passed ; title agreed to.

No. 84, House of Representatives file, A bill for an act to divorce Sarah Wilson from her husband, John Wilson ;

Was read a third time.

The question being on its passage,

The yeas and nays were called for by Mr. Johnston,

And were as follows :

YEAS—Messrs. Bainbridge, Coop, Hall, Hastings, Johnston, Leffler and Wallace—7.

NAYS—Messrs. Bailey, Greene, Kirkpatrick, Springer, and President—5.

So the bill was passed, and title agreed to.

No. 63, House of Representatives file, A bill for an act defining the jurisdiction of the Supreme and District Courts ;

Was read a third time and passed ; title agreed to.

No. 10, House of Representatives file, A bill to authorize William Smith and Vincent Smith to keep a ferry across the Mississippi river, in Jackson county,

Was read a third time and passed ; title agreed to.

No. 81, House of Representatives file, A bill for an act for the relief of the poor,

Was read a third time, and

On motion by Mr. Johnston,

Ordered to be laid upon the table subject to the order of the Council.

On motion by Mr. Springer,

A reconsideration was had of the vote taken yesterday on

No. 82, House of Representatives file, A bill for an act to authorize the establishment of Poor Houses, and the bill was,

On motion by Mr. Bainbridge,

Ordered to be laid upon the table subject to the order of the Council.



No. 100, Council file, A bill for an act to re-locate a Territorial road from Farmington to the Southern Territorial line,

Was read a third time.

Mr. Hall moved that the blanks be filled with the names of Charles Davis, John Burner and Stephen Weekley ;

Which was carried, and

On motion,

The bill was passed and its title agreed to.

No. 101, Council file, A bill to re-locate a part of a Territorial road in Jefferson county,

Was read a third time and passed ; title agreed to.

No. 97, Council file, A bill to authorize William Milligan and D. Brewer to keep a ferry at Wapello, in Louisa county ;

Was read a third time and passed.

No. 99, Council file, A bill for an act authorizing James Muir, a minor, to execute a deed to Anson L. Deming and Jesse C. Smith,

Was read a third time, and passed ; title agreed to.

No. 73, Council file, A bill to authorize Ransom Long to keep a ferry across the Mississippi river opposite Salem, in Muscatine county,

Was read a third time and passed ; title agreed to.

Ordered, That the Secretary notify the House of Representatives accordingly.

No. 62, Council file, A bill to provide for the inspection of beef, pork and flour in this Territory,

Was read a third time.

The question being on its passage,

Mr. Springer called for the yeas and nays,

Which were as follows :

YEAS—Messrs. Bailey, Coop, Greene, Johnston, Leffler and President—6.

NAYS—Messrs. Bainbridge, Hall, Hastings, Kirkpatrick, Springer and Wallace—6.

So the bill was lost.

No. 79, House of Representatives file, A bill for an act to compel the Miners' Bank of Dubuque to resume specie payment,

Was read a second time.

Mr. Greene moved that it be laid upon the table ;

On which the yeas and nays were called for by Mr. Wallace,

And were as follows :

YEAS—Messrs. Bailey, Coop, Greene, Hastings, Johnston, Kirkpatrick, Leffler and Springer—8.

NAYS—Messrs. Bainbridge, Hall, Wallace and President—4.

So the bill was ordered to be laid upon the table.

Mr. Hastings moved to take from the table

No. 41, Council file, A bill to revive and amend an act to incorporate the Bloomington Insurance Company, approved, January 13, 1840 ;

Which was lost.

The following message from the House of Representatives, was received through Mr. Fales, Chief Clerk :

“ Mr. PRESIDENT—The House of Representatives have passed—

No. 95, House of Representatives file, A bill for an act to provide for the



expression of the opinion of the people of the Territory of Iowa upon the subject of the formation of a State constitution and government, and to enable them to form a constitution for the State of Iowa,

The House have concurred in the report of the committee of conference on No. 28, House of Representatives file, A bill for an act to amend an act organizing a Board of county Commissioners in each county.

The House having disagreed to all the amendments made by the Council to

No. 15, House of Representatives file, A bill for an act to amend an act regulating criminal proceedings, except to the striking out of the 11th section, to which the House have agreed.

The House insist on their amendment, being the 23d clause to No. 89, Council file, A joint resolution relative to Post Offices.

The House disagreed to the amendments of Council to No. 72, House of Representatives file, A bill to provide for opening and improving the National road."

On motion by Mr. Springer,

The Council proceeded to consider, in committee of the whole, No. 103, House of Representatives file, A bill to divorce Nicey Hull from her husband, C. C. Hull, Mr. Bainbridge being in the chair.

After some time spent in its consideration, the bill was reported back to the Council without amendment.

On motion,

The report of the committee was concurred in.

Mr. Springer offered the following amendment, and called for the yeas and nays on the same, viz :

That from and after the passage of this act, parties may become divorced from the bonds of matrimony by filing, in the office of the Clerk of the District Court, in any county in this Territory, a paper signed by themselves declaratory of their mutual consent to the dissolution of the marriage contract subsisting between them, without the intervention of a court of Chancery or an application to the Legislative Assembly.

And when either party to a marriage contract may be desirous of becoming divorced, the marriage contract shall be rescinded by filing, as aforesaid, a statement expressive of his or her desire to become divorced, with their seals thereunto affixed and attested by two justices of the peace.

The yeas and nays were as follows :

YEAS—Mr. President—1.

NAYS—Messrs. Bailey, Bainbridge, Browne, Coop, Greene, Hall, Hastings, Johnston, Kirkpatrick, Leffler, Springer and Wallace—12.

So the amendment was lost.

Mr. Hall moved the following amendment :

"This act to take effect and be in force from and after its passage ;"

Which was adopted.

On motion by the same gentleman,

The usual rules were suspended and the bill read a third time, when

The question being on its passage,

The yeas and nays were called for by Mr. Springer, and were as follows:

YEAS—Messrs. Bainbridge, Browne, Coop, Hall, Hastings, Johnston, Leffler and Wallace—8.



NAYS—Messrs. Bailey, Greene, Kirkpatrick, Springer and President—5.

So the bill was passed and its title agreed to.

Ordered that the Secretary notify the House of Representatives accordingly.

On motion by Mr. Springer,

No. 86, Council file, A bill for an act to amend an act to provide for the appointment of Justices, &c., was considered by the Council in committee of the whole, Mr. Hall being in the chair, and

After some time spent in its consideration, was reported back to the Council with sundry amendments.

On motion by Mr. Bainbridge,

The bill was ordered to be laid upon the table.

Mr. Bainbridge moved that the Council adjourn until 2 o'clock P. M.

On which the yeas and nays were called for by Mr. Wallace,

And were as follows :

YEAS—Messrs. Bailey, Bainbridge, Browne, Greene, Hall, Hastings, Johnston, Kirkpatrick, Leffler, Springer and President—11.

NAYS—Mr. Wallace—1.

So the Council adjourned until 2 o'clock, P. M.

## TWO O'CLOCK, P. M.

The Council met pursuant to adjournment.

The following message from the House of Representatives, was received through Mr. Fales, Chief Clerk :

Mr. PRESIDENT—The House of Representatives have concurred in all the amendments made by the Council to

No. 88, House of Representatives file, A bill to provide for the appointment of an Acting Commissioner at Iowa City, defining his duties, and for other purposes, by filling the blank in the first amendment of the Council.

The House have indefinitely postponed

No. 1, Council file, A memorial for an appropriation to improve the Territorial road from Burlington to the mouth of the Des Moines river.

No. 3, Council file, A memorial to Congress for an appropriation of fifty thousand dollars to improve the navigation of the Iowa and Cedar rivers.

The House have passed

No. 85, House of Representatives file, A bill to locate certain Territorial roads therein named.

No. 107, House of Representatives file, A bill to revive the 12th section of an act establishing certain Territorial roads therein named.

In all of which the concurrence of the Council is requested."

No. 61, Council file, A bill for an act to authorize the appointment of a County Agent in and for the county of Johnson,

Was read a second time, and

On motion,

Ordered to be engrossed for a third reading.

No. 93, House of Representatives file, A bill for an act to review and establish a part of a Territorial road from Keokuk, in Lee county, to Iowaville on the Des Moines river, was,

On motion,



Ordered for a third reading to-morrow.

No. 83, House of Representatives file, A bill to locate and establish a Territorial road from Marion, in Linn county, to the Indian boundary in Benton county,

Came up in order, as reported by the select committee to whom it was referred, and

On motion,

Ordered to a third reading.

No. 89, House of Representatives file, A bill for an act to authorize William Pickrell, and others to construct, keep and maintain a dam across Skunk river, was,

On motion,

Ordered to a third reading.

Mr. Hastings moved that the Council consider

No. 71, House of Representatives file, A bill for an act to amend an act subjecting real and personal estate to execution, in committee of the whole ;

Which was carried.

Mr. Hastings moved a call of the Council, which was had, all the members, Messrs. Coop and Wallace excepted, answering to their names.

Mr. Coop appearing,

On motion by Mr. Leffler,

The further call of the Council was dispensed with.

The Council now proceeded to a consideration of the bill in committee of the whole, Mr. Hastings being in the chair.

After some time spent therein, the same was reported back to the Council with one amendment.

The question being on concurring in the report of the committee ;

Mr. Hastings moved a call of the Council, when it appeared that Mr. Wallace was absent.

On motion by Mr. Hastings,

The further call of the Council was dispensed with, and

On motion by the same gentleman,

The bill and amendments were referred to a select committee composed of Messrs. Hastings, Wallace and Kirkpatrick.

No. 96, Council file, A bill to incorporate the city of Keosauqua, came up in order as amended by the committee on incorporations.

On motion,

The report of the committee was concurred in, and

The bill was ordered to be engrossed for a third reading.

No. 77, House of Representatives file, A bill for an act for the encouragement of agriculture, was

On motion,

Ordered to a third reading.

No. 77, Council file, A bill entitled an act to repeal an act relating to auctioneers and auction sales, approved Jan. 17, 1840, was

On motion,

Ordered to be engrossed for a third reading.

No. 95, House of Representatives file, A bill for an act to provide for the expression of the opinion of the people of the Territory of Iowa upon the



subject of the formation of a State Constitution and Government, and to enable them to form a Constitution for the State of Iowa,

Was read a first and second time, and

On motion by Mr. Springer,

Made the special order of the day for Wednesday next.

No. 15, House of Representatives file, A bill for an act to amend an act regulating criminal proceedings,

Came up in order, the House disagreeing to all the amendments made by the Council, except the striking out of the 11th section.

Mr. Hastings moved that the Council recede from its amendment of striking out 6th section.

Which was carried.

Mr. Springer moved that the Council recede from its amendment of striking out 10th section.

On which the yeas and nays were called for by Mr. Kirkpatrick,

And were as follows :

YEAS—Messrs. Browne, Johnston, Springer and President—4.

NAYS—Messrs. Bailey, Bainbridge, Coop, Greene, Hall, Hastings, Kirkpatrick, and Leffler—9.

So the motion was lost.

Mr. Hastings moved that the Council insist on its amendment of striking out 10th section.

Which was carried.

Mr. Greene moved that the Council recede from the amendment of striking out 1st section.

Which was lost.

Mr. Johnston moved that the Council insist upon the amendment of striking out 1st section.

Which was lost.

On motion by Mr. Springer,

The last vote was reconsidered, and the question was decided in the affirmative, the amendment being insisted on.

Mr. Bailey moved that the Council recede from the amendment of striking out 4th section.

Which was lost.

Mr. Hastings moved that the Council insist on its amendment.

Which was carried.

Mr. Springer moved that the Council insist on the amendment of striking out part of the 5th section.

Which was carried.

Mr. Bainbridge moved a call of the Council ;

Which was had, when it appeared that Mr. Wallace was absent.

On motion by Mr. Hastings,

The further call of the Council was dispensed with.

On motion by Mr. Hastings,

A committee of conference, composed of Messrs. Hastings, Springer, and Johnston, was appointed by the Council to meet a similar committee on the part of the House, relative to the disagreeing votes of the two Houses.

No. 89, Council file, Joint resolution requesting our Delegate in Con-



gress to use his influence with the Post Master General relative to the establishment of certain post offices,

Came up in order, as amended by the House—the House insisting on its amendments.

Mr. Greene moved that the Council adhere to its amendment.

Which was lost.

Mr. Springer moved that the Council recede from its amendment.

Which was carried.

No. 72, House of Representatives file, A bill to provide for opening and improving the National road,

Came up in order, the House disagreeing to the amendment made by the Council in the same.

On motion by Mr. Hastings,

The Council insisted on its amendment.

No. 85, House of Representatives file, A bill for an act to locate certain Territorial roads therein named,

Was read a first and second time, and

On motion by Mr. Kirkpatrick,

Ordered for a third reading on Monday next.

No. 107, House of Representatives file, A bill for an act to revive the twelfth section of an act establishing certain Territorial roads therein named,

Was read a first and second time, and

On motion by Mr. Coop,

Ordered for a third reading to-morrow.

No. 88, House of Representatives file, A bill to provide for the election of an Acting Commissioner at Iowa City, defining his duties, and for other purposes,

Came up, as amended by the House of Representatives, and was,

On motion by Mr. Hastings,

Ordered to be laid upon the table until to-morrow morning.

W. Coop moved that the Council adjourn, when

Mr. Browne called for the yeas and nays,

Which were as follows:

YEAS—Messrs. Bailey, Coop, Hastings, Johnston, Leffler, Springer, and President—7.

NAYS—Messrs. Bainbridge, Browne, Greene, Kirkpatrick, and Wallace 5.

So the Council adjourned until 9 o'clock, to-morrow morning.



**Saturday Morning, Feb. 5, 1842.**

The Council met pursuant to adjournment.

Mr. Hastings, from the committee on Territorial affairs to whom was referred the petition of sundry citizens of Iowa City, relative to an act of incorporation for a fire engine company, reported

No. 109, Council file, A bill to incorporate the Iowa City Fire Engine Company.

Which was read a first time.

Mr. Greene, from the committee on incorporations, to whom was referred the petition and remonstrance of sundry citizens of Muscatine county relative to changing the name of the town of Bloomington, reported

That said committee have examined the same, and find that the remonstrance contains much the greatest number of names, and that said committee believe that the name of a place, like government, should not be changed for light and transient causes, and therefore recommend no change in the name of said town of Bloomington, asking to be discharged from a further consideration of the subject.

On motion,

The committee were discharged.

Mr. Greene, from the committee on engrossed bills, reported that said committee had examined

No. 87, Council file, A bill to amend an act concerning writs of attachment.

And find the same to be correctly engrossed.

No. 107, Council file, A bill for an act to revive the twelfth section of an act establishing certain Territorial roads therein named,

Being in order, was read a second time.

On motion by Mr. Springer,

The Council proceeded to a consideration of the same in committee of the whole, Mr. Leffler being in the chair;

After some time spent therein, the bill was reported back to the Council without amendment.

On motion,

The report of the committee was concurred in.

Mr. Bainbridge moved to strike out the enacting clause, and called for the yeas and nays on the same.

Mr. Jonston moved a call of the Council,

Which was had, all the members answering to their names, Messrs. Hall and Leffler excepted.

The absentees appearing,

On motion by Mr. Hastings,



The further call of the Council was dispensed with.

The yeas and nays were now called, and were as follows:

YEAS—Messrs. Bailey, Bainbridge, Coop, Hall, Springer, and Wallace—6.

NAYS—Messrs. Browne, Greene, Hastings, Johnston, Kirkpatrick, Leffler, and President—7.

So the motion to strike out was lost.

Mr. Wallace moved that the bill be indefinitely postponed;

On which the yeas and nays were called for by Mr. Hastings, and were as follows:

YEAS—Messrs. Bailey, Bainbridge, Coop, Hall, Springer and Wallace—6.

NAYS—Messrs. Browne, Greene, Hastings, Johnston, Kirkpatrick, Leffler and President—7.

So the motion was lost.

Mr. Coop moved that the bill be referred to the committee on the judiciary;

Which was carried.

No. 105, Council file, A bill to authorize William Smith to construct a dam across the Des Moines river, in Lee county,

Was read a third time and passed; title agreed to.

Ordered, That the Secretary notify the House of Representatives accordingly.

On motion by Mr. Hastings,

The vote receding from the amendment made by the Council to

No. 89, Council file, Joint resolution requesting our Delegate in Congress to use his influence with the Post Master General relative to the establishment of certain post offices,

Was reconsidered, and

On motion,

The amendment was insisted on.

The following bills came up in order:

No. 107, House of Representatives file, A bill for an act to revive the twelfth section of an act establishing certain Territorial roads therein named,

Was read a third time and passed; title agreed to.

No. 77, House of Representatives file, A bill for an act for the encouragement of agriculture,

Was read a third time and passed; title agreed to.

No. 83, House of Representatives file, A bill to locate and establish a Territorial road from Marion, in Linn county, to the Indian boundary in Benton county,

Was read a third time and passed; title agreed to.

No. 89, House of Representatives file, A bill for an act to authorize Wm. Pickrell, and others to construct, keep and maintain a dam across Skunk river,

Was read a third time, and passed; title agreed to.

No. 93, House of Representatives file, A bill for an act to review and re-establish a part of a Territorial road from Keokuk, in Lee county, to Iowaville on the Des Moines river,

Was read a third time and passed; title agreed to.

No. 104, House of Representatives file, A bill to authorize the county Commissioners of Delaware county to pay William Smith, Sen., William Jonas and Thomas Denson, for their services as Commissioners to locate the county seat of said county,



Was read a third time and passed; title agreed to.

No. 87, Council file, A bill to amend an act concerning writs of attachment.

Was read a third time and passed; title agreed to.

Ordered, That the Secretary notify the House of Representatives accordingly.

No. 99, House of Representatives file, A bill for an act to re-locate a part of a Territorial from Farmington to Dubuque,

Came up in order, as reported by the select committee to whom it was referred;

On motion,

The report of the committee was concurred in, and

The bill ordered to a third reading.

No. 40, Council file, A bill to authorize the Board of Commissioners of each county in this Territory, to appoint an agent to convey and dispose of real estate,

Came up in order, as reported by the committee on the judiciary.

On motion,

The report of the committee was concurred in.

Mr. Greene offered the following amendment: after the word 'authorized,' in 3d line of sec. 1, insert 'at their discretion.'

Which was adopted, and the bill was ordered to be engrossed for a third reading.

On motion by Mr. Hastings,

No. 33, House of Representatives file, A bill for the incorporation of religious societies,

Was taken from the table, and

On motion by the same gentleman,

The Council proceeded to a consideration of the same in committee of the whole, Mr. Springer being in the chair;

After some time spent therein, the same was reported back to the Council with one amendment.

The question being on concurring in the report of the committee,

The yeas and nays were called for by Mr. Hastings, and were as follows:

YEAS—Messrs. Bainbridge, Browne, Hall, Johnston, Kirkpatrick, Springer, Wallace and President—8.

NAYS—Messrs. Bailey, Coop, Greene, Hastings, and Leffler—5.

So the report of the committee was concurred in.

Mr. Hastings moved that the bill be referred to the committee on roads;

Which was lost.

Mr. Springer moved that it be indefinitely postponed, and called for the yeas and nays on the same, which were as follows:

YEAS—Messrs. Bainbridge, Browne, Hall, Kirkpatrick, Springer, Wallace and President—7.

NAYS—Messrs. Bailey, Coop, Greene, Hastings, Johnston, and Leffler—6.

So the bill was indefinitely postponed.

Mr. Greene, in accordance with previous notice, had leave and introduced No. 110, Council file, A bill to incorporate the Vestry of Trinity Parish, Davenport;

Which was read a first and second time, and

On motion by Mr. Bainbridge,



Said bill was amended by inserting the name of J. W. Parker in the 5th line of the first section of said bill; and

On motion,

Said bill was ordered to be engrossed for a third reading. Also,

No. 111, Council file, A bill to incorporate the First Methodist Episcopal Church at Marion;

Which was read a first and second time, and

The usual rule suspended and the bill read a third time and passed; title agreed to.

No. 108, Council file, A bill for an act to incorporate the First Presbyterian Church of Fort Madison,

Being in order, was read a second time, and

On motion,

The rule was suspended, and the bill read a third time and passed; title agreed to.

On motion by Mr. Springer,

No. 43, House of Representatives file, A bill to amend an act to district the Territory of Iowa into electoral districts,

Was taken from the table and read a second time, and

On motion,

The rule was suspended, and said bill read a third time and passed; title agreed to.

Ordered that the Secretary notify the House of Representatives accordingly.

Mr. Kirkpatrick, in accordance with previous notice, had leave and introduced

No. 112, Council file, A bill to authorize David G. Bates and John Forbes to keep a ferry across the Mississippi river, in Jackson county,

Which was read a first and second time, and

On motion,

Ordered to be engrossed and read a third time on Monday next.

No. 88, House of Representatives file, A bill to provide for the appointment of an Acting Commissioner at Iowa City, defining his duties, and for other purposes,

Coming up, as amended by the House of Representatives,

Mr. Bailey moved to amend the amendment of the House, by striking out the name of Chauncey Swan, and insert the name of Walter Butler.

Mr. Hastings called for a division of the question, which was had;

And the question being on striking out the name of Chauncey Swan,

Mr. Wallace called for the yeas and nays, which were as follows:

YEAS—Messrs. Bailey, Bainbridge, Browne, Hall, Johnston, Kirkpatrick, Leffler, Springer, Wallace and President—10.

NAYS—Messrs. Coop, Greene, and Hastings—3.

So said name was stricken out.

The question recurring on the motion of Mr. Bailey, to insert the name of Walter Butler,

Mr. Springer called for the yeas and nays, which were as follows:

YEAS—Messrs. Bailey, Bainbridge, Browne, Coop, Greene, Hastings, Johnston, Kirkpatrick, Leffler, and President—10.

NAYS—Messrs. Hall, Springer and Wallace—3.



So the amendment of the House was amended, by striking out the name of Chauncey Swan, and inserting the name of Walter Butler.

Ordered, That the Secretary notify the House of Representatives accordingly.

On motion by Mr. Hastings,

No. 41, Council file, A bill to revive and amend an act to incorporate the Bloomington Insurance Company, approved January 13, 1840,

Was taken from the table, and

On motion,

The report of the committee was concurred in, and the usual rule suspended;

The bill was read a third time and passed; title agreed to.

Ordered, That the Secretary notify the House of Representatives accordingly.

On motion by Mr. Wallace,

No. 86, Council file, Was taken from the table, and the amendments made in committee of the whole were concurred in, and

On motion,

Said bill was ordered to be engrossed, and read a third time on Monday next.

On motion,

The Council adjourned until 10 o'clock, on Monday morning.

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### Monday Morning, Feb. 7, 1842.

The Council met pursuant to adjournment.

The following message from the House of Representatives, was received through Mr. Fales, Chief Clerk:

"Mr. PRESIDENT—The House of Representatives have appointed Messrs. Grant, Leffler and Hepner, a committee of conference, on the part of the House, relative to the disagreements between the two Houses on

No. 15, House of Representatives file, A bill for an act to amend an act regulating criminal proceedings.

The House have receded from their amendment to

No. 89, Council file, Joint resolution requesting our Delegate in Congress to use his influence for the establishment of Post Offices.

The House have receded from their disagreement to the amendment of the Council to

No. 72, House of Representatives file, A bill to provide for opening and improving the Military road.

The House have passed



No. 37, House of Representatives file, A bill to incorporate the Mount Pleasant Literary Institute.

No. 52, House of Representatives file, A bill making the Clerk of the Board of county Commissioners elective by the people.

No. 112, House of Representatives file, A bill for an act to locate and establish a Territorial road from Crawfordsville, in Washington county, to Smith's mills.

No. 115, House of Representatives file, A bill to authorize James Leonard to keep a ferry across the Mississippi river.

No. 116, House of Representatives file, A bill to locate a road from Fairfield to the forks of Skunk river.

No. 117, House of Representatives file, A bill to establish a road from Wm. Clark's to Marion.

No. 118, House of Representatives file, A bill to establish a road from Marion to Eades' Grove.

No. 62, House of Representatives file, A bill to amend an act concerning costs and fees.

Also with amendments.

No. 47, Council file, A bill to amend an act in relation to the safe custody of persons arrested for crimes and misdemeanors.

No. 70, Council file, A bill to make certificates of purchase of lands, from any land office in this Territory, evidence of title in the purchaser.

I herewith present for your signature, four enrolled bills, all of which have been signed by the Speaker of the House of Representatives."

Which were signed by the President.

Mr. Browne presented the petition of sundry citizens of Fort Madison, praying for a new act of incorporation for the town of Fort Madison, which,

On motion,

Was referred to a select committee composed of Messrs. Browne and Johnston.

Mr. Johnston presented the petition of sundry citizens of the county of Lee, praying that a ferry charter might be granted to Wm. H. Lloyd for a ferry across Skunk river, which,

On motion,

Was referred to a select committee composed of the delegation from Des Moines and Lee counties.

Mr. Hall presented the petition of J. E. Ely, praying that a law might be passed annulling the bonds of matrimony existing between himself and Minerva Ely, which,

On motion,

Was referred to a select committee composed of Messrs. Hall, Leffler and Bainbridge.

Mr. Johnston, from the committee on the Library, to whom was referred the annual report of the Librarian, reported

That they find, upon examination, that many valuable additions should, as soon as practicable, be made to the Territorial Library; but from the small amount of the appropriation for Legislative expenses, they deem it prudent to recommend only the purchase of a few works which are absolutely necessary; the names of which they have embodied in



No. 113, Council file, Joint resolution for the purchase of books for the Territorial Library,

And ask to be discharged from a further consideration of the subject.

The joint resolution was read a first time, and

On motion,

The committee were discharged.

Mr. Wallace, from the committee on claims, to whom was referred the petition of James M. Morgan, reported

No. 114, Council file, Joint resolution relative to compensating James M. Morgan for services rendered the Territory,

Which was read a first time.

Mr. Johnston, from the committee on the judiciary to whom was referred the petition of sundry citizens of Van Buren county, praying an amendment in the criminal law, reported

No. 115, Council file, A bill for an act to amend an act regulating criminal proceedings, and asked to be discharged from the further consideration of the subject.

The bill was read a first time, and

On motion,

The committee were discharged.

Mr. Johnston, from the committee on the judiciary, to whom was referred a resolution relative to the appraisement and sale of real estate, without redemption, for not less than two-thirds its value,

Reported the same back to the Council, and recommended its reference to the committee to whom was referred a bill amending an act exempting real and personal property from execution, &c., and asked to be discharged from the further consideration of the subject.

On motion,

The report of the committee was adopted.

Mr. Johnston, from the committee on the judiciary, to whom was referred No. 42, House of Representatives file, A bill for an act to amend an act establishing the office of Judge of Probate ;

Reported the same back to the Council with several amendments, and asked to be discharged from the further consideration of the subject.

On motion,

The committee were discharged.

Mr. Johnston, from the committee on the judiciary, to whom was referred a resolution relating to an amendment to the practice act, permitting the plaintiff to swear to his demand, &c., made the following report, viz :

That the substance of said amendment is embraced in a bill amending the law relating to evidence by the oath of parties, passed during the present session, and therefore they ask the adoption of the following resolution :

*Resolved*, That the committee be discharged from the further consideration of the subject.

On motion,

The report of the committee was adopted.

Mr. Johnston, from the committee on the judiciary, to whom was referred No. 52, Council file, A bill to authorize the Clerk of the District Court to take judgment on confession in vacation, reported as a substitute for the same



No. 116, Council file, A bill for an act amending an act regulating practice in the District Courts of the Territory of Iowa,

And asked to be discharged from the further consideration of the subject.

On motion,

The committee were discharged.

Mr. Johnston, from the committee on the judiciary, to whom was referred No. 92, Council file, A bill to repeal all laws now in force in the Territory of Iowa authorizing the levying of poll tax,

Reported the same back to the Council, recommending its indefinite postponement, and asked the adoption of the following resolution :

*Resolved*, That the committee on the judiciary be discharged from the further consideration of the subject.

On motion,

The report of the committee was concurred in, and the committee discharged.

Mr. Springer, from the committee on the judiciary to whom was referred a resolution instructing said committee to report a bill to amend an act to prevent and punish gaming, reported in compliance therewith

No. 117, Council file, A bill to amend an act entitled an act to prevent and punish gaming, and asked to be discharged from the further consideration of the subject.

The bill was read a first time, and

On motion,

The committee were discharged.

Mr. Wallace, from the committee on claims, to whom was referred

No. 101, House of Representatives file, A resolution authorizing pay to John Lorton,

Reported the same back to the Council without amendment, recommending its indefinite postponement.

Mr. Springer, from the committee on the judiciary to whom was referred No. 104, Council file, A bill for an act to provide for the appointment of Masters in Chancery, and to prescribe their duties in certain cases,

Reported that said committee have had the same under consideration, and reported said bill back to the Council with the following amendments :

1st. Strike out the 15th and 16th sections.

2d. In the 17th section, strike out the words "and also the last clause of the 8th section of an act regulating the issuing of writs of Ne Exeat and injunction," approved, January 25th, 1837, and asked to be discharged from any further consideration of the subject.

On motion,

The committee were discharged.

Mr. Greene, from the committee on engrossed bills, reported that said committee have examined

No. 106, Council file, A bill relative to the survey of the town of Marion.

No. 61, Council file, A bill for an act to authorize the appointment of a county Agent in and for the county of Johnson.

On motion by Mr. Johnston,

No. 98, Council file, A bill for an act to incorporate the First Methodist Episcopal Church of Fort Madison,

Was taken from the table, and read a first and second time.



On motion,

The rule was suspended, and the bill having been read a third time, was passed, its title being agreed to.

Ordered, That the Secretary notify the House of Representatives accordingly.

No. 109, Council file, A bill to incorporate the Iowa City Fire Engine Company;

Was read a second time, and

On motion by Mr. Browne,

The Council proceeded to a consideration of the same in committee of the whole, Mr. Wallace being in the chair.

After some time spent therein, the bill was reported back to the Council without amendment.

On motion,

The report of the committee was concurred in.

On motion by Mr. Springer,

The bill was ordered to be laid upon the table subject to the order of the Council.

No. 37, House of Representatives file, A bill to incorporate the Mount Pleasant Literary institute,

Being in order, was read a first time.

No. 52, House of Representatives file, A bill making the Clerk of the Board of county Commissioners elective by the people,

Being in order, was read a first and second time, and

On motion by Mr. Bailey,

The Council proceeded to a consideration of the same in committee of the whole, Mr. Bailey being in the chair.

After some time spent therein, the bill was reported back to the Council with one amendment.

On motion,

The report of the committee was concurred in, and

On motion by Mr. Browne,

The bill was referred to the committee on the judiciary.

No. 112, House of Representatives file, A bill for an act to locate and establish a Territorial road from Crawfordsville, in Washington county, to Smith's mills, in Henry county,

Being in order, was read a first time.

No. 115, House of Representatives file, A bill for an act to authorize James Leonard to establish and keep a ferry across the Mississippi river at the town of Charleston, in Jackson county,

Being in order, was read a first and second time, and

On motion by Mr. Kirkpatrick,

Referred to a select committee composed of Messrs. Kirkpatrick, Bainbridge and Greene.

No. 116, House of Representatives file, A bill to locate a road from Fairfield to the forks of Skunk river,

Was read a first and second time, and

On motion,

Referred to a select committee composed of Mess. Coop, Springer and Wallace.



No. 117, House of Representatives file, A bill to locate and establish a Territorial road from Wm. Clark's to Marion,

Was read a first and second time, and

On motion,

Referred to a select committee composed of Messrs. Greene, Hastings and Kirkpatrick.

No. 118, House of Representatives file, A bill to re-locate and establish a Territorial road from Marion to Eades' Grove,

Was read a first and second time, and

On motion,

Referred to the same committee as No. 117, H. R. file.

No. 62, House of Representatives file, A bill for an act to amend an act concerning costs and fees, was read a first time.

No. 47, Council file, A bill amending an act entitled an act in relation to the safe custody of persons arrested for crimes and misdemeanors.

Came up as amended by the House of Representatives.

On motion by Mr. Greene,

The amendments were concurred in.

No. 70, Council file, A bill to make certificates of purchase of lands, from any land office in this Territory, evidence of title in the purchaser.

Came up as amended by the House of Representatives.

On motion,

The amendments were concurred in.

No. 77, Council file, A bill entitled an act to repeal an act relating to auctioneers and auction sales, approved, January 17th, 1840,

Was read a third time.

The question being on its passage,

The yeas and nays were called for by Mr. Browne,

And were as follows:

YEAS—Messrs. Bailey, Coop, Greene, Leffler and Springer—5.

NAYS—Messrs. Bainbridge, Browne, Hall, Kirkpatrick, Wallace and President—6.

So the bill was lost.

No. 61, Council file, A bill for an act to authorize the appointment of a county Agent in and for the county of Johnson.

Was read a third time, and

On motion by Mr. Greene,

Ordered to be laid upon the table subject to the order of the Council.

No. 106, Council file, A bill relative to the survey of the town of Marion.

Was read a third time and passed; title agreed to.

No. 99, House of Representatives file, A bill for an act to re-locate a part of a Territorial from Farmington to Dubuque,

Was read a third time and passed; title agreed to.

No. 85, House of Representatives file, A bill for an act to locate certain Territorial roads therein named, came up in order, and was,

On motion by Mr. Browne,

Ordered to be laid upon the table subject to the order of the Council.

On motion by Mr. Greene,

No. 79, Council file, A bill amendatory to an act to regulate ferries, approved, December 20, 1838,



Was taken from the table.

The bill was read a second time, and

On motion,

Ordered to be engrossed for a third reading.

Mr. Coop, from the committee on roads, to whom was referred No. 102, House of Representatives file, A bill for an act to locate and establish a Territorial road from Charles Nealy's, in Muscatine county, to Iowa City, in Johnson county,

Reported the same back to the Council with several amendments, and asked to be discharged from the further consideration of the subject.

On motion,

The committee were discharged.

Mr. Hall, from the select committee to whom was referred the petition of J. E. Ely, relative to a divorce from his wife, Minerva Ely, reported

No. 118, Council file, A bill for an act to divorce J. E. Ely from Minerva Ely,

And asked to be discharged from the further consideration of the subject.

On motion,

The committee were discharged.

The bill was read a first and second time, and

On motion,

The usual rule was suspended and the bill read a third time.

The question being on its passage,

Mr. Bailey called for the yeas and nays, when

Mr. Bainbridge moved a call of the Council, which was had, Messrs. Hastings and Johnston not answering to their names.

Mr. Coop asked leave of absence for Mr. Hastings.

Which was granted.

Mr. Springer moved that the Council adjourn until two o'clock P. M.,

Which was lost.

Mr. Greene moved that the Council adjourn until 10 o'clock to-morrow morning,

Which was lost.

On motion by Mr. Wallace,

The further call of the Council was suspended.

Mr. Bailey moved a call of the Council, which was had, Messrs. Johnston and Springer not answering to their names.

On motion,

The Council adjourned until 10 o'clock, to-morrow morning.



**Tuesday Morning, Feb. 8, 1842.**

The Council met pursuant to adjournment.

Mr. Johnston, from the committee on the judiciary, to whom was referred No. 52, House of Representatives file, A bill making the Clerk of the Board of county Commissioners elective by the people.

Reported the same back to the Council without amendment, and asked to be discharged from the further consideration of the subject.

On motion,

The committee were discharged.

Mr. Browne, from the select committee to whom was referred the petition of sundry citizens of Fort Madison relative to an act of incorporation for said town, reported

No. 119, Council file, A bill for an act to incorporate the town of Fort Madison,

Which was read a first and second time.

Mr. Johnston, from the committee of conference appointed, on the part of the Council, in relation to the disagreement of the two Houses on the 4th and 5th amendments made by the Council to

No. 25, House of Representatives file, A bill for an act to provide for levying a tax on real and personal property for road purposes,

Reported that said committee, after a conference and examination of the same, recommend that the Council recede from their amendments, and asked to be discharged from the further consideration of the subject.

On motion,

The report of the committee was agreed to.

Mr. Johnston, from the committee on public buildings to whom was referred the reports of the Director, Superintendent and Warden of the Iowa Penitentiary, reported the following:

That said committee have examined the foregoing reports, and find them to be made in compliance with law. The report of the Director contains all the important information embraced in the statements of the other officers, and as it has been printed and laid before the Council, the committee think it unnecessary to state the details.

They herewith report

No. 120, Council file, A bill for an act amendatory to the several acts providing for the erection of a Penitentiary, &c.,

And ask to be discharged from a further consideration of the subject.

On motion,

The committee were discharged.

The bill was read a first time, and

On motion,



The usual number of copies were ordered to be printed.

Mr. Johnston, from the committee on the judiciary to whom was referred a resolution instructing said committee to inquire into the expediency of amending, generally, the law relating to wills and testaments, &c., reported

No. 121, Council file, A bill for an act to amend an act relative to wills and testaments, &c.,

And asked to be discharged from the further consideration of the subject.

On motion,

The committee were discharged.

The bill was read a first time.

The following message from the House of Representatives was received through Mr. Fales, Chief Clerk :

“Mr. PRESIDENT—The House of Representatives have passed—

No. 120, House of Representatives file, A bill for an act to authorize Samuel Wells to build a dam across Skunk river.

No. 121, House of Representatives file, A bill for an act to authorize John R. Sloan to keep a ferry across the Mississippi river.

No. 76, Council file, A bill concerning oaths and affidavits.

No. 74, Council file, A memorial for a donation of lands to establish a Seminary at West Point, in Lee county.

No. 90, Council file, A memorial to Congress for the relief of Jeremiah Smith, Jr.

I herewith present for your signature, three enrolled bills, which have been signed by the Speaker of the House of Representatives.”

Which were signed by the President.

A message from his Excellency, the Governor, was received through Mr. (Secretary) Stull.

Mr. Johnston, from the select committee appointed by the Council to enquire into the expediency of procuring a survey for a steam boat canal around the lower Rapids of the Mississippi, reported

No. 122, Council file, Resolution relative to steam boat canal around lower Rapids of Mississippi,

And asked to be discharged from the further consideration of the subject.

The resolution was read a first time, and

On motion,

The committee were discharged.

No. 118, Council file, A bill for an act to divorce J. E. Ely from Minerva Ely, being in order,

The yeas and nays were called, in accordance with the motion of yesterday, by Mr. Bailey, and were as follows :

YEAS—Messrs. Bainbridge, Browne, Coop, Hall, Johnston and Leffler—6.

NAYS—Messrs. Bailey, Kirkpatrick, Springer and President—4.

So the bill was passed and title agreed to.

The message from the Governor, together with the accompanying documents, were now read by the Secretary, and both,

On motion by Mr. Springer,

Were ordered to be laid upon the table.

Mr. Springer, from the joint committee on enrollments, reported that said committee have examined the following bills :

An act to make certificates of purchase of lands, from any Register or



Receiver of any Land Office in this Territory, evidence of title in the purchaser.

An act to amend an act entitled an act in relation to the safe custody of persons arrested for crimes and misdemeanors ; and

A joint resolution requesting our Delegate in Congress to use his influence with the Post Master General relative to the establishment of certain Post Offices.

And find the same to be correctly enrolled.

No. 117, Council file, A bill to amend an act entitled an act to prevent and punish gaming,

Being in order, was read a second time, and

On motion by Mr. Springer,

The Council proceeded to a consideration of the same in committee of the whole, Mr. Browne being in the chair.

After some time spent therein, the bill was reported back to the Council without amendment.

On motion,

The report of the committee was concurred in, and the bill ordered to be engrossed for a third reading.

No. 116, Council file, A bill for an act amending an act regulating practice in the District Courts of the Territory of Iowa,

Was read a second time.

Mr. Springer moved an amendment, by striking out the 3d section;

On which the yeas and nays were called for by Mr. Bailey, and were as follows:

YEAS—Messrs. Bainbridge, Browne, Greene, Hall, Johnston, Kirkpatrick, Leffler, Springer and President—9.

NAYS—Messrs. Bailey, and Coop—2.

So the amendment was adopted.

Mr. Bailey moved to refer the bill to a select committee;

On which the yeas and nays were called for by Mr. Springer, and were as follows:

YEAS—Messrs. Bailey, Coop, Greene, and Leffler—4.

NAYS—Messrs. Bainbridge, Browne, Hall, Johnston, Kirkpatrick, Springer, and President—7.

So the motion was lost.

On motion,

The bill was ordered to be engrossed for a third reading.

Mr. Greene, from the committee on engrossed bills, reported that said committee have examined

No. 96, Council file, A bill to incorporate the City of Keosauqua.

No. 40, Council file. A bill to authorize the Board of Commissioners to appoint agents to dispose of real estate.

No. 110, Council file, A bill to incorporate the Vestry of Trinity Parish, Davenport.

No. 86, Council file, A bill for an act to amend an act to provide for the appointment of Justices of the Peace, to prescribe their powers and duties, and to regulate their proceedings.

No. 93, Council file, A bill amendatory of an act to regulate ferries, approved Dec. 20, 1838.



No. 112, Council file, A bill to authorize David G. Bates and John Forbes to keep a ferry across the Mississippi river, in Jackson county,

And find the same to be correctly engrossed.

No. 113, Council file, Joint resolution for the purchase of books for the Territorial Library,

Was read a second time;

On motion by Mr. Johnston,

The blanks were filled with the sum of three hundred dollars, and the bill ordered to be engrossed for a third reading.

No. 115, Council file, A bill for an act to amend an act regulating criminal proceedings, was read a second time.

Mr. Johnston offered the following amendment to Sec. 1: after the words "any one," insert "and stating, also, that affiant believes that such person."

Which was adopted, and

On motion,

The bill was ordered to be engrossed for a third reading.

No. 114, Council file, Joint resolution relative to the claim of James M. Morgan,

Was read a second time, and

On motion by Mr. Johnston,

Laid upon the table, subject to the order of the Council.

No. 37, House of Representatives file, A bill to incorporate the Mount Pleasant Literary Institute,

Was read a second time, and

On motion by Mr. Hall,

Laid upon the table, subject to the order of the Council.

On motion by Mr. Johnston,

No. 119, Council file, A bill to incorporate the town of Fort Madison.

Mr. Johnston moved the following amendment:

In Sec. 4, strike out "shall each be possessed of a free-hold estate within the limits of said town."

Which was carried, and

The bill ordered to be engrossed for a third reading on to-morrow.

No. 62, House of Representatives file, A bill to amend an act concerning costs and fees,

Was read a second time, and

On motion by Mr. Browne,

Referred to the committee on finance.

No. 42, House of Representatives file, A bill for an act to amend an act establishing the office of Judge of Probate,

Was read a second time, and

On motion,

Ordered to a third reading to-morrow.

No. 40, Council file, A bill to authorize Boards of Commissioners to appoint agents to dispose of real estate,

Was read a third time and passed; title agreed to.

No. 79, Council file, A bill amendatory of an act to regulate ferries, approved Dec. 20, 1838,

Was read a third time, and passed; title agreed to.

No. 86, Council file, A bill amendatory of an act to provide for the ap-



pointing of Justices of the Peace, to prescribe their powers and duties, and regulate their proceedings.

Was read a third time and passed; title agreed to.

No. 96, Council file, A bill to incorporate the City of Keosauqua,

Was read a third time and passed; title agreed to.

No. 110, Council file, A bill to incorporate the Vestry of Trinity Parish, Davenport,

Was read a third time and passed; title agreed to.

No. 112, Council file, A bill to authorize David G. Bates and John Forbes to keep a ferry across the Mississippi river, in Jackson county,

Was read a third time and passed; title agreed to.

Ordered, That the Secretary notify the House of Representatives accordingly.

No. 102, House of Representatives file, A bill for an act to locate and establish a Territorial road from Charles Nealy's, in Muscatine county, to Iowa City, in Johnson county,

Came up, as reported by the committee on roads;

On motion,

The report of the committee was concurred in, and

The bill ordered to a third reading on to-morrow.

No. 104, Council file, A bill for an act to provide for the appointment of Masters in Chancery, and to prescribe their duties in certain cases,

Came up in order, as reported by the committee on the judiciary;

On motion by Mr. Springer,

The Council proceeded to a consideration of the same in committee of the whole, Mr. Bainbridge being in the chair.

After some time spent therein, the bill was reported back to the Council with several amendments.

On motion,

The report of the committee was concurred in.

Mr. Bainbridge offered the following amendment, viz:

Commence Sec. 16, with the words "Provided, however, that no writ enumerated in any of the foregoing sections shall be issued by the Clerk of any District Court, where there shall be, residing in the county, a Master in Chancery or District Judge."

Which was adopted, and

On motion,

The bill was ordered to be engrossed for a third reading.

No. 101, House of Representatives file, A resolution authorizing pay to John Lorton, came up in order.

Mr. Johnston moved an amendment, by inserting after the word "dollars," "and Hawkins Taylor twelve dollars."

Which was carried.

Mr. Springer moved to amend, by striking out the word "Secretary," and inserting the word "Treasurer."

Which was carried, and

On motion,

The bill was ordered to a third reading.

No. 92, Council file, A bill to repeal all laws now in force in the Territory of Iowa authorizing the levying of poll tax,



Came up in order, and

On motion by Mr. Johnston,

Was ordered to be laid upon the table, subject to the order of the Council.

No. 121, House of Representatives file, A bill for an act to authorize John R. Sloan to keep a ferry across the Mississippi river,

Was read a first time.

No. 120, House of Representatives file, A bill for an act to authorize Samuel Wells to build a dam across Skunk river,

Was read a first time.

On motion by Mr. Johnston,

The Council advised and consented to the nomination of John H. Lines as notary Public of Lee county.

On motion,

The Council adjourned until 10 o'clock, to-morrow morning.

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### Wednesday Morning, Feb. 9, 1842.

The Council met pursuant to adjournment.

The following message from the House of Representatives, was received through Mr. Fales, Chief Clerk :

“Mr. PRESIDENT—The House of Representatives have passed—

No. 55, House of Representatives file, A memorial to Congress for a new land district.

No. 73, House of Representatives file, A bill creating a permanent school fund, and for other purposes.

No. 119, House of Representatives file, Joint resolution requiring the Miners' Bank of Dubuque to stop its discounts and issues whilst it continues to suspend specie payment.

No. 123, House of Representatives file, A bill for an act to divorce Seth Baker from Sally Baker.

No. 124, House of Representatives file, A bill to locate the seat of justice in and for the county of Buchanan.

No. 73, Council file, A bill to authorize Ransom Long to keep a ferry across the Mississippi river, opposite Salem, in Muscatine county.

No. 99, Council file, A bill for an act authorizing James Muir, a minor, to execute a deed to Anson L. Deming and Jesse C. Smith.

No. 100, Council file, A bill for an act to re-locate a Territorial road from Farmington to the southern Territorial line.

Mr. Hastings presented the petition of sundry citizens of Muscatine county, praying the location of a Territorial road from Bloomington, Muscatine county, to Washington, Washington county; which,

On motion,



Was referred to the committee on roads.

Mr. Hastings presented the petition of sundry citizens of Muscatine county, praying for the relief of Wm. Chambers; which,

On motion,

Was referred to the committee on incorporations.

Mr. Hastings presented the petition of forty citizens of the city of Bloomington, praying for an act to amend the act to incorporate the town of Bloomington; which,

On motion,

Was referred to the committee on incorporations.

Mr. Greene had leave and introduced

No. 123, Council file, Joint resolution to Congress for an appropriation to erect a bridge across the south fork of the Maquoqueta river, where the military road crosses the same;

Which was read a first and second time, and

On motion,

Ordered to be engrossed for a third reading.

Mr. Leffler, from the committee on finance, to whom was referred

No. 62, House of Representatives file, A bill for an act to amend an act concerning costs and fees,

Reported the same back to the Council with two amendments, and asked to be discharged from the further consideration of the subject.

On motion,

The committee were discharged.

Mr. Greene from the committee on engrossed bills, reported that said committee have examined

No. 119, Council file, An act to incorporate the town of Fort Madison.

No. 117, Council file, A bill to amend an act entitled an act to prevent and punish gaming.

—No. 113, Council file, A joint resolution for the purchase of books for the Territorial Library.

No. 115, Council file, A bill for an act to amend an act regulating criminal proceedings.

No. 116, Council file, A bill for an act amending an act regulating practice in the District Courts of the Territory of Iowa,

And find the same to be correctly engrossed.

Mr. Coop, from the select committee to whom was referred

No. 116, House of Representatives file, A bill to locate a road from Fairfield to the forks of Skunk river,

Reported the same back to the Council without amendment, and asked to be discharged from the further consideration of the subject.

On motion,

The committee were discharged.

Mr. Springer, from the joint committee on enrollments, reported that said committee presented on the 8th inst., to his Excellency the Governor, for his approval

An act to divorce Nicey Hull from her husband C. C. Hull.

An act to provide for opening and improving the military road.

An act to divorce Sarah Wilson from her husband, John Wilson.



An act to locate and establish a Territorial road from Denson's ferry, on the Wabesipinicon river, toward Dubuque.

An act to amend an act entitled an act establishing a certain Territorial road therein named.

An act to amend an act organizing a Board of County Commissioners in each county.

An act to divorce Sarah Connelly from her husband, William Connelly; and A joint resolution relative to admission into the Union.

Mr. Springer, from same committee, reported that the committee had examined

A memorial for the relief of Jeremiah Smith, jr.

A memorial to Congress for a donation of lands to establish a seminary of learning at West Point, in Lee county; and

An act concerning oaths and affidavits.

And find the same to be correctly enrolled.

Mr. Johnston from the select committee to whom was referred a petition relative to a ferry across Skunk river, reported

No. 124, Council file, A bill for an act to authorize William H. Lloyd to keep a ferry at Lloyd's Ford, on Skunk river,

And asked to be discharged from the further consideration of the subject.

The bill was read a first time, and

On motion,

The committee were discharged.

On motion by Mr. Johnston,

No. 61, Council file, A bill for an act to authorize the appointment of a county agent in and for the county of Johnson,

Was taken from the table, and having been read a third time was passed; title agreed to.

Ordered, That the Secretary notify the House of Representatives accordingly.

No. 55, House of Representatives file, Memorial for a new land district,

Was read a first and second time.

Mr. Springer moved an amendment, by striking out "Iowa City," and inserting "Washington, Washington county."

Which was lost.

Mr. Bailey moved that the word "Iowa City," be stricken out, and the words "the City of Keosauqua, Van Buren county," inserted.

Which was lost.

Mr. Springer moved to insert, after the words "Iowa City," "and at Washington, Washington county."

Mr. Leffler moved to amend the amendment, by adding "and at Keokuk, Lee county,"

The question being on the amendment as amended,

Mr. Hastings called for the yeas and nays, which were as follows:

YEAS—Messrs. Bainbridge, Browne, Coop, Hall, and Wallace—5.

NAYS—Messrs. Bailey, Greene, Hastings, Johnston, Kirkpatrick, Leffler, Springer and President—8.

So the amendment was lost.

On motion by Mr. Hastings,

The 13th rule was suspended and the memorial read a third time and passed.



On motion by Mr. Wallace,

No. 37, House of Representatives file, A bill to incorporate the Mount Pleasant Literary Institute, was taken from the table.

The bill was read a third time and passed; title agreed to.

Ordered, That the Secretary notify the House of Representatives accordingly.

No. 73, House of Representatives file, A bill creating a permanent school fund, and for other purposes,

Was read a first time.

No. 119, House of Representatives file, Joint resolution requiring the Miners' Bank of Dubuque to stop its discounts and issues whilst it continues to suspend specie payment.

Was read a first time, and

On motion by Mr. Bainbridge,

Laid upon the table, subject to the order of the Council.

No. 123, House of Representatives file, A bill for an act to divorce Seth Baker from Sally Baker,

Was read a first and second time, and

On motion by Mr. Bainbridge,

The Council proceeded to a consideration of the same in committee of the whole, Mr. Coop being in the chair.

After some time spent therein, the bill was reported back to the Council without amendment.

Mr. Springer moved that the bill be postponed until the first of January, 1843, and called for the yeas and nays on the same,

Which were as follows:

YEAS—Messrs. Coop, Greene, Kirkpatrick, Springer, and President—5.

NAYS—Messrs. Bailey, Bainbridge, Browne, Hall, Hastings, Johnston, Leffler and Wallace—8.

So the motion was lost.

Mr. Hastings moved that the thirteenth rule be suspended, the bill read a third time and passed.

On which Mr. Springer called for the yeas and nays,

Which were as follows:

YEAS—Messrs. Bainbridge, Browne, Coop, Hall, Hastings, Johnston, Wallace and President—8.

NAYS—Messrs. Bailey, Greene, Kirkpatrick, Leffler and Springer—5.

The bill was ordered to a third reading to-morrow.

No. 124, House of Representatives file, A bill to locate the seat of justice in and for the county of Buchanan,

Was read a first and second time, and

On motion by Mr. Bainbridge,

Indefinitely postponed.

No. 117, Council file, A bill to amend an act entitled an act to prevent and punish gaming,

— Was read a third time and passed; title agreed to.

No. 113, Council file, A joint resolution for the purchase of books for the Territorial Library,

Was read a third time and passed; title agreed to.



No. 115, Council file, A bill for an act to amend an act regulating criminal proceedings,

Was read a third time and passed; title agreed to.

No. 116, Council file, A bill for an act amending an act regulating practice in the District Courts of the Territory of Iowa.

Was read a third time and passed; title agreed to.

Ordered, That the Secretary notify the House of Representatives accordingly.

On motion by Mr. Kirkpatrick,

No. 85, House of Representatives file, A bill for an act to locate certain Territorial roads therein named,

Was taken from the table, and

On motion,

Referred to the committee on roads.

The following message from the House of Representatives, was received through Mr. Fales, Chief Clerk:

“Mr. PRESIDENT—The House of Representatives have passed—

No. 132, House of Representatives file, A memorial to Congress for the benefit of agriculture.

No. 110, House of Representatives file, A bill for an act to incorporate an Insurance Company at Farmington, in Van Buren county.

I herewith present for your signature, twelve enrolled bills, which have been signed by the Speaker of the House of Representatives.”

Which were signed by the President.

No. 119, Council file, An act to incorporate the town of Fort Madison,

Was read a third time and passed; title agreed to.

Ordered, That the Secretary notify the House of Representatives accordingly.

No. 102, House of Representatives file, A bill for an act to locate and establish a Territorial road from Charles Nealy's, in Muscatine county, to Iowa City, in Johnson county, was

On motion,

Referred to a select committee, composed of Messrs. Hastings, Leffler and Springer.

No. 42, House of Representatives file, A bill for an act to amend an act establishing the office of Judge of Probate,

Was read a third time and passed; title agreed to.

Ordered, That the Secretary notify the House of Representatives accordingly.

No. 101, House of Representatives file, A resolution authorizing pay to John Lorton, was

On motion by Mr. Leffler,

Ordered to be laid upon the table.

No. 112, House of Representatives file, A bill for an act to locate and establish a Territorial road from Crawfordsville, in Washington county, to Smith's Mills, in Henry county,

Was read a third time and passed; title agreed to.

No. 132, House of Representatives file, A memorial to Congress for the benefit of agriculture,

Was read a first and second time, and



On motion by Mr. Springer,

Was read a third time and passed.

No. 95, House of Representatives file, A bill for an act to provide for the expression of the opinion of the people of the Territory of Iowa, upon the subject of the formation of a State Constitution and Government, and to enable them to form a Constitution for the State of Iowa,

Being the order of the day,

On motion by Mr. Hall,

The Council proceeded to consider the same in committee of the whole. After some time spent in its consideration, the bill was reported back to the Council, and leave asked for the committee to sit again.

On motion,

The report of the committee was concurred in.

Mr. Hall moved that the committee sit again this afternoon.

Which was lost.

On motion,

The committee had leave to sit again to-morrow morning.

On motion by Mr. Hastings,

No. 92, Council file, A bill to repeal all laws now in force in the Territory of Iowa authorizing the levying of a poll tax, was taken from the table.

The question being on concurring in the report of the committee recommending its indefinite postponement;

Mr. Hastings called for the yeas and nays,

Which were as follows:

YEAS—Messrs. Bainbridge, Coop, Hall, Johnston, Kirkpatrick, Leffler, Springer Wallace and President—9.

NAYS—Messrs. Bailey, Browne, Greene and Hastings—4.

So the bill was indefinitely postponed.

No. 110, House of Representatives file, A bill for an act to incorporate an Insurance Company at the town of Farmington, Van Buren county,

Was read a first and second time, and

On motion by Mr. Hall,

Referred to the committee on Incorporations.

No. 52, House of Representatives file, A bill making the Clerk of the Board of County Commissioners elective by the people, being in order,

Mr. Springer moved its indefinite postponement,

On which Mr. Hastings called for the yeas and nays,

Which were as follows:

YEAS—Messrs. Bainbridge, Browne, Hall and Springer—4.

NAYS—Messrs. Bailey, Coop, Greene, Hastings, Johnston, Kirkpatrick, Leffler, Wallace and President—9.

So the motion was lost, and the bill ordered to a third reading to-morrow.

No. 120, House of Representatives file, A bill for an act to authorize Samuel Wells to build a dam across Skunk river,

Was read a second time.

Mr. Hastings offered the following amendment:

“This act may be amended, altered or repealed by any subsequent Legislature, and called for the yeas and nays on the same, which were as follows:

YEAS—Messrs. Bailey, Browne, Coop, Greene, Hastings, Johnston, Kirkpatrick and President—8.



NAYS—Messrs. Bainbridge, Hall, Leffler, Springer and Wallace—5.

So the amendment was adopted, and

On motion,

The bill was ordered to a third reading.

No. 121, House of Representatives file, A bill for an act to authorize John R. Sloan to keep a ferry across the Mississippi river,

Was read a second time, and

On motion,

The bill was ordered to a third reading.

No. 122, Council file, Resolution relative to steam boat canal around lower Rapids of Mississippi,

Was read a second time, and

On motion by Mr. Johnston,

Ordered to be engrossed for a third reading to-morrow.

No. 120, Council file, A bill for an act amendatory to the several acts providing for the erection of a Penitentiary,

Was read a second time.

Mr. Johnston moved that the Council adjourn until 2 o'clock P. M.

Which was lost.

On motion,

The Council adjourned until 10 o'clock, to-morrow morning.

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### Thursday Morning, Feb. 10, 1842.

The Council met pursuant to adjournment.

Mr. Greene presented the petition of sundry citizens of Linn county requesting the re-location of the Territorial road running from Marion, in Linn county, to Davenport, in Scott county, which,

On motion,

Was referred to the committee on roads.

Mr. Hastings presented the remonstrance of Pleasant Arthur and E. K. Yort, against the petition praying for a ferry charter across the Iowa river, which,

On motion,

Was referred to the committee on incorporations.

The following message from the House of Representatives was received through Mr. Fales, Chief Clerk :

“Mr. PRESIDENT—The House of Representatives have passed with amendments—

No. 17, Council file, A bill to change the time of holding the District Courts in the second and third judicial districts.

The House have indefinitely postponed



No. 105, Council file. A bill authorizing William Smith to construct a dam across the Des Moines river in Lee county.

No. 41, Council file, A bill to revive and amend an act to incorporate the Bloomington Insurance Company.

The House have passed

No. 106, Council file, A bill relative to the survey of the town of Marion.

No. 127, House of Representatives file, A bill for an act repealing a portion of an act to locate and establish a Territorial road from the town of Dubuque to Camp Atkinson.

In which the concurrence of the Council is requested."

Mr. Bainbridge offered the following :

*Resolved*, That the committee on expenditures be instructed to inquire into the expediency of incorporating the account of the Rev. Samuel Mazzuchelli into the annual appropriation bill ;

Which was adopted.

Mr. Hastings, from the select committee to whom was referred

No. 71, House of Representatives file, A bill for an act to amend an act subjecting real and personal estate to execution,

Reported the same back to the Council with several amendments, and asked to be discharged from the further consideration of the subject.

On motion,

The committee were discharged.

Mr. Hastings, from the select committee to whom was referred

No. 102, House of Representatives file, A bill for an act to locate and establish a Territorial road from Charles Nealy's, in Muscatine county, to Iowa City, in Johnson county,

Reported the same back to the Council with amendments, and asked to be discharged from the further consideration of the subject.

On motion,

The committee were discharged.

Mr. Wallace, from the committee on claims to whom was referred a resolution relative to compensating Mr. O. H. W. Stull, Secretary of the Territory, for services rendered the Legislature,

Reported back the same to the Council, having filled the blank with the sum of two hundred dollars, and asked to be discharged from the further consideration of the subject.

On motion,

The committee were discharged.

Mr. Johnston, in accordance with previous notice, had leave and introduced

No. 125, Council file, A bill for an act to amend an act relative to divorce, alimony, and for other purposes,

Which was read a first time.

Mr. Bailey presented the claim of M. Reno, which,

On motion,

Was referred to the committee on claims.

Mr. Wallace, from the committee on claims to whom was referred sundry resolutions relative to the pay of officers, offered the following as a substitute:

*Resolved*, That the following shall be the per diem allowance of the officers of the Council :

Secretary,



Assistant Secretary,	\$4 00
Transcribing Clerks, (each)	3 00
Sergeant at Arms,	3 00
Door Keeper,	3 00
Messenger,	3 00
Fireman,	3 00

And the committee on expenditures is hereby instructed to include the same in the appropriation bill.

Mr. Bailey moved that the resolution be laid upon the table ;  
Which was carried.

The resolution was ordered to be laid upon the table.

No. 73, House of Representatives file, A bill creating a permanent School fund, and for other purposes,

Was read a second time.

On motion by Mr. Wallace.

The Council proceeded to a consideration of the same in committee of the whole, Mr. Hastings being in the chair.

After some time spent therein, the bill was reported back to the Council without amendment.

On motion,

The report of the committee was concurred in.

On motion by Mr. Bailey,

The bill was laid upon the table subject to the order of the Council.

No. 124, Council file, A bill for an act to authorize William H. Lloyd to keep a ferry at Lloyd's Ford on Skunk river,

Was read a second time.

On motion by Mr. Browne,

The Council proceeded to a consideration of the same in committee of the whole, Mr. Kirkpatrick being in the chair.

After some time spent therein, the bill was reported back to the Council without amendment.

On motion,

The report of the committee was concurred in.

Mr. Leffler offered the following amendment :

"Any future Legislature may alter, amend or repeal this act ;"

Which was agreed to, and

The bill was ordered to be engrossed for a third reading to-morrow.

Mr. Greene, from the committee on engrossed bills, reported that said committee had examined

No. 104, Council file, A bill for an act to provide for the appointment of Masters in Chancery, and to prescribe their duties in certain cases.

No. 123, Council file, Joint resolution to Congress for an appropriation to erect a bridge across the south fork of the Maquoqueta river where the Military road crosses the same ; and

No. 124, Council file, Resolution relative to steam boat canal around lower Rapids of Mississippi ;

And find the same to be correctly engrossed.

Mr. Greene, from the select committee to whom was referred

No. 118, House of Representatives file, A bill to re-locate and establish a Territorial road from Marion to Eades' Grove,



Reported the same back to the Council with one amendment, also,  
No. 117, House of Representatives file, A bill to locate and establish a Territorial road from Wm. Clark's to Marion, with one amendment, and asked to be discharged from the further consideration of the subject.

On motion,

The committee were discharged.

Mr. Hastings, from the committee of conference appointed by the Council to meet a similar committee, on the part of the House of Representatives, relative to the disagreeing vote of the two Houses on

No. 15, House of Representatives file, A bill for an act to amend an act regulating criminal proceedings,

Reported that said committee have conferred with the committee appointed by the House, and agreed to make the following report :

The committee recommend that the Council recede from all their amendments except the tenth section, and that the House concur in the amendment of the Council to strike out that section.

On motion,

The report of the committee was concurred in.

Mr. Coop, from the committee on roads to whom was referred the petition of sundry citizens of Linn county, praying the re-location of a part of the Territorial road from Iowa City to Prairie du Chien, reported

No. 126, Council file, A bill for the re-location of the Territorial road from Iowa City to Prairie du Chien,

And asked to be discharged from the further consideration of the subject.

The bill was read a first time, and

On motion,

The committee were discharged.

Mr. Springer, from the joint committee on enrollments, reported that said committee presented, on the 9th inst., to his Excellency, the Governor, for his approval

An act to amend an act entitled an act in relation to the safe custody of persons arrested for crimes and misdemeanors.

An act to make certificates of purchase of lands from any Register or Receiver of any Land Office in this Territory, evidence of title in the purchaser.

A joint resolution requesting our Delegate in Congress to use his influence with the Post Master General relative to the establishment of certain Post Offices.

An act defining the jurisdiction of the Supreme and District Courts.

An act to revise the 12th section of an act establishing certain Territorial roads therein named.

An act to amend an act to district the Territory of Iowa into electoral districts.

An act to authorize the county Commissioners of Delaware county to pay Wm. Smith, Sen., Wm. Jonas and Thomas Denson for their services to locate the county seat of said county.

An act appointing an Acting Commissioner at Iowa City, defining his duties, and for other purposes.

An act to authorize Wm. Smith and Vincent Smith to keep a ferry across the Mississippi river in Jackson county.

An act to authorize the establishment of certain dams across Skunk river.



An act for the encouragement of agriculture.

An act to review and establish a part of the Territorial road from Keokuk, in Lee county, to Iowaville on the Des Moines river.

An act to relocate a part of a Territorial road from Farmington to Dubuque.

An act to locate and establish a Territorial road from Marion, in Linn county, to the Indian boundary in Benton county, and

An act to incorporate the town of Davenport.

Mr. Browne, moved a call of the Council, which was had, Messrs. Johnston and Hastings not answering to their names.

The absentees appearing ;

On motion,

The further call of the Council was dispensed with.

No. 123, House of Representatives file, A bill for an act to divorce Seth Baker from Sally Baker, was read a third time.

The question being on its passage ;

The yeas and nays were called for by Mr. Springer,

And were as follows :

YEAS—Messrs. Bainbridge, Browne, Coop, Hall, Hastings, Johnston, Leffler and Wallace—8.

NAYS—Messrs. Bailey, Greene, Kirkpatrick, Springer and President—5.

So the bill was passed and title agreed to.

No. 121, House of Representatives file, A bill for an act to authorize John R. Sloan to keep a ferry across the Mississippi river,

Was read a third time and passed ; title agreed to.

No. 120, House of Representatives file, A bill for an act to authorize Samuel Wells to build a dam across Skunk river,

Was read a third time and passed ; title agreed to.

No. 52, House of Representatives file, A bill making the Clerk of the Board of County Commissioners elective by the people,

Was read a third time.

The question being on its passage,

The yeas and nays were called for by Mr. Springer,

Mr. Hastings moved a call of the Council when Mr. Greene appeared to be absent.

The absentee appearing,

On motion,

The further call of the Council was dispensed with.

The yeas and nays were now called on the passage of the bill,

And were as follows :

YEAS—Messrs. Bailey, Coop, Greene, Hastings, Johnston, Kirkpatrick, Leffler and Wallace—8.

NAYS—Messrs. Bainbridge, Browne, Hall, Springer and President—5.

So the bill was passed and title agreed to.

Ordered, That the Secretary notify the House of Representatives accordingly.

The following message from the House of Representatives, was received through Mr. Fales, Chief Clerk :

“Mr. PRESIDENT—I herewith present for your signature three enrolled bills, which have been signed by the Speaker of the House of Representatives.”



Which were signed by the President.

No. 122, Council file, A joint resolution relative to steam boat canal around lower Rapids of Mississippi,

Was read a third time.

Mr. Leffler moved its indefinite postponement ;

On which the yeas and nays were called for by Mr. Springer

And were as follows:

YEAS—Mr. Leffler—1.

NAYS—Messrs. Bailey, Bainbridge, Browne, Coop, Hall, Hastings, Greene, Johnston, Kirkpatrick, Springer, Wallace and President—12.

So the motion was lost.

The question being on its passage, it was carried in the affirmative.

So the resolution was passed.

No. 123, Council file, Joint resolution to Congress for an appropriation to erect a bridge across the south fork of the Maquoketa river where the Military road crosses the same,

Was read a third time and passed.

No. 104, Council file, A bill for an act to provide for the appointment of Masters in Chancery, and to prescribe their duties in certain cases.

Was read a third time.

Mr. Hall moved that it be referred to a select committee ;

Which was lost.

The question being on its passage, it was carried in the affirmative.

So the bill was passed and title agreed to.

Ordered, That the Secretary notify the House of Representatives accordingly.

No. 17, Council file, A bill to change the time of holding the District Courts in the second and third judicial districts.

Came up in order as amended by the House of Representatives.

On motion by Mr. Hastings,

The Council disagreed to the amendment made by the House to 1st sec.

On motion by Mr. Springer,

The remainder of the amendments made by the House were agreed to.

No. 127, House of Representatives file, A bill for an act repealing a portion of an act to locate and establish a Territorial road from the town of Dubuque to Camp Atkinson, approved, January 13, 1841,

Was read a first time.

Mr. Johnston moved a call of the Council, when Messrs. Bainbridge and Hall were found to be absent.

Mr. Bainbridge appearing ;

On motion by Mr. Springer,

The further call of the Council was dispensed with.

The Council resumed its sitting as a committee of the whole on

No. 95, House of Representatives file, A bill for an act to provide for the expression of the opinion of the people of the Territory of Iowa, upon the subject of the formation of a State Constitution and Government, and to enable them to form a Constitution for the State of Iowa, Mr. Hall being in the chair.

After some time spent in its consideration, the bill was reported back to the Council with several amendments.



On motion,

All the amendments except the additional section were concurred in.

The question being on the adoption of the same :

The yeas and nays were called for by Mr. Browne,

And were as follows :

YEAS—Messrs. Bailey, Bainbridge, Coop, Greene, Hastings, Kirkpatrick, Leffler and Springer—8.

NAYS—Messrs. Browne, Hall, Johnston, Wallace and President—5.

So the amendment was agreed to.

Mr. Johnston offered the following amendment :

*Resolved*, That if a suitable building for the meeting of the convention, cannot be obtained at said place, then the Governor is hereby required to issue his proclamation 30 days before the time of said meeting, convening the delegates at the town of Fort Madison, in Lee county ;

Which was not agreed to.

Mr. Browne moved that the bill, together with the amendments thereto, be referred to the committee on the judiciary ;

Which was lost.

Mr. Wallace moved that the Council adjourn,

On which Mr. Springer called for the yeas and nays,

Which were as follows :

YEAS—Messrs. Bainbridge, Browne, Hall, Wallace and President—5.

NAYS—Messrs. Bailey, Coop, Greene, Hastings, Johnston, Kirkpatrick, Leffler and Springer—8. Lost.

Mr. Springer offered the following amendment :

And provided, that on or before the said first Monday of November next, the Congress of the United States shall have made an appropriation to defray the expenses of said convention.

Mr. Hastings called for the yeas and nays on the same,

Which were as follows :

YEAS—Messrs. Bainbridge, Browne, Hall, Springer, Wallace and President—6.

NAYS—Messrs. Bailey, Greene, Hastings, Johnston, Kirkpatrick and Leffler—7.

So the amendment was not agreed to.

Mr. Greene moved an amendment to 1st section by striking out "the first Monday of November next," and inserting "on the first Monday in April next ;"

On which Mr. Wallace called for the yeas and nays,

Which were as follows :

YEAS—Messrs. Greene and Kirkpatrick—2.

NAYS—Messrs. Bailey, Bainbridge, Browne, Coop, Hall, Hastings, Johnston, Leffler, Springer, Wallace and President—11.

So the amendment was not adopted.

Mr. Wallace moved an amendment by striking out all after the first sec. ;

Which was lost.

Mr. Greene moved that the 13th rule be suspended and the bill read a third time.

Mr. Wallace moved that the Council adjourn ;

On which Mr. Hastings called for the yeas and nays,



Which were as follows :

YEAS—Messrs. Bainbridge, Browne, Hall, Kirkpatrick, Wallace and President—6.

NAYS—Messrs. Bailey, Coop, Greene, Hastings, Johnston, Leffler and Springer—7. Lost,

Mr. Wallace moved that the Council adjourn until ten o'clock to-morrow morning,

And called for the yeas and nays on the same, which were as follows :

YEAS—Messrs. Bainbridge, Browne, Kirkpatrick, Springer, Wallace and President—6.

NAYS—Messrs. Bailey, Coop, Greene, Hastings, Johnston and Leffler—6. Lost.

Mr. Springer moved a call of the Council, when Mr. Johnston was found to be absent.

The absentee appearing,

On motion by Mr. Greene,

The further call of the Council was dispensed with.

Mr. Wallace moved that the Council adjourn until 9 o'clock to-morrow morning ;

On which Mr. Johnston called for the yeas and nays,

Which were as follows :

YEAS—Messrs. Browne, Hall, Kirkpatrick, Springer, Wallace and President—6.

NAYS—Messrs. Bailey, Bainbridge, Coop, Greene, Hastings, Johnston and Leffler—7. Lost.

Mr. Wallace moved that the Council adjourn until half past nine o'clock to-morrow morning.

Mr. Johnston called for the yeas and nays on the same,

Which were as follows :

YEAS—Messrs. Browne, Hall, Kirkpatrick, Springer, Wallace and President—6.

NAYS—Messrs. Bailey, Bainbridge, Coop, Greene, Hastings, Johnston and Leffler—7. Lost.

Mr. Wallace moved that the Council adjourn until 4 o'clock P. M.

And called for the yeas and nays on the same,

Which were as follows :

YEAS—Mr. Wallace—1.

NAYS—Messrs. Bailey, Bainbridge, Browne, Coop, Greene, Hall, Hastings, Johnston, Kirkpatrick, Leffler, Springer and President—12. Lost.

Mr. Bainbridge moved that the Council adjourn until 2 o'clock, P. M.

Which was lost.

The question being on Mr. Greene's motion to suspend the 13th rule and read the bill a third time,

Mr. Wallace called for the yeas and nays, which were as follows :

YEAS—Messrs. Bailey, Coop, Greene, Hastings, Johnston, Kirkpatrick, and Leffler—7.

NAYS—Messrs. Bainbridge, Browne, Hall, Springer, Wallace, and President—6.

So the motion was lost.

On motion by Mr. Johnston,



The bill was ordered to a third reading to-morrow.

A message from his Excellency the Governor was received through Mr. (Secretary) Stull.

On motion,

The Council adjourned until 2 o'clock, P. M.

## TWO O'CLOCK, P. M.

The Council met pursuant to adjournment.

The following message from the House of Representatives was received through Mr. Fales, Chief Clerk :

“ Mr. PRESIDENT—The House of Representatives have passed—

No. 41, Council file, A bill to revive and amend an act to incorporate the Bloomington Insurance Company.

No. 112, Council file, A bill to authorize David G. Bates and John Forbes to keep a ferry across the Mississippi river, in Jackson county. Also,

No. 129, House of Representatives file, A bill for an act for the organization of townships.

In which I am directed to ask the concurrence of the Council.

The House have indefinitely postponed—

A bill to authorize William Milligan and Daniel Brewer to keep a ferry at Wapello, in Louisa county.”

No. 116, House of Representatives file, A bill to locate a road from Fairfield to the forks of Skunk river,

Being in order, was

On motion by Mr. Coop,

Ordered to a third reading to-morrow.

No. 62, House of Representatives file, A bill for an act to amend an act concerning costs and fees, being in order,

On motion by Mr. Bailey,

The Council proceeded to a consideration of the same in committee of the whole, Mr. Hastings being in the chair.

After some time spent therein, the same was reported back to the Council with several amendments.

On motion,

The report of the committee was concurred in.

Mr. Bainbridge moved its indefinite postponement.

On which Mr. Bailey called for the yeas and nays,

Which were as follows:

YEAS—Messrs. Bainbridge, Hastings, Kirkpatrick, and President—4.

NAYS—Messrs. Bailey, Browne, Coop, Greene, Hall, Leffler, Springer, and Wallace—8. Lost.

Mr. Bainbridge moved that the bill be laid upon the table until March 1st.

On which the yeas and nays were called for by Mr. Bailey.

Mr. Browne moved a call of the Council;

Which was had, when it appeared that Mr. Johnston was absent.

The absentee appearing,

On motion by Mr. Bainbridge,

The further call of the Council was dispensed with.



The yeas and nays were now called on the motion of Mr. Bainbridge to lay upon the table until 1st March,

And were as follows:

YEAS—Messrs. Bainbridge, Hastings, Kirkpatrick, and President—4.

NAYS—Messrs. Bailey, Browne, Coop, Greene, Hall, Johnston, Leffler, Springer, and Wallace—9.

So the motion was lost.

Mr. Greene moved the following amendment:

Strike out all that part of the bill which refers to the Clerk's fees of the Supreme and District Court.

On which the yeas and nays were called for by Mr. Springer,

And were as follows:

YEAS—Messrs. Bainbridge, Greene, Kirkpatrick, and President—4.

NAYS—Messrs. Bailey, Browne, Coop, Hall, Hastings, Johnston, Leffler, Springer, and Wallace—9.

So the amendment was not agreed to.

Mr. Greene moved that the bill be laid upon the table until Friday, February 18th.

Which was lost.

On motion by Mr. Springer,

The bill was laid upon the table until to-morrow.

No. 120, Council file, A bill for an act amendatory to the several acts providing for the erection of a Penitentiary, being in order,

On motion by Mr. Johnston,

The Council proceeded to a consideration of the same in committee of the whole, Mr. Leffler being in the chair.

After some time spent therein, the bill was reported back to the Council with one amendment.

On motion,

The report of the committee was concurred in.

Mr. Springer moved the following amendment to the 1st section:

After the word "shall," in 3d line, insert "hereafter be appointed by the Governor, by and with the advice and consent of the Council, and shall hold his office for one year, and until his successor shall be duly qualified."

Mr. Johnston called for the yeas and nays on the same,

Which were as follows:

YEAS—Messrs. Bainbridge, Browne, Hall, Kirkpatrick, Springer, and Wallace—6.

NAYS—Messrs. Bailey, Coop, Greene, Hastings, Johnston, Leffler, and President—7.

So the amendment was not agreed to.

Mr. Johnston moved an amendment, by inserting in the 7th line, after the word "and," the word "that."

Which was adopted.

On motion by Mr. Bailey,

The bill was ordered to be laid upon the table, subject to the order of the Council.

Mr. Hastings gave notice that on to-morrow, or some subsequent day, he would introduce

A bill to divorce James Hill from his wife, Eliza Hill.



Mr. Wallace moved that the Council adjourn until 10 o'clock to-morrow morning.

On which the yeas and nays were called for by Mr. Springer,

And were as follows :

YEAS—Messrs. Bailey, Bainbridge, Coop, Hall, Johnston, Leffler, Wallace, and President—8.

NAYS—Messrs. Browne, Greene, Hastings, Kirkpatrick, and Springer—5.

So the Council adjourned until 10 o'clock to-morrow morning.

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### Friday Morning, Feb. 11, 1842.

The Council met pursuant to adjournment.

Mr. Greene presented the remonstrance of sundry citizens of the county of Linn against the re-location of a Territorial road from Marion to Davenport ; which

On motion,

Was referred to the committee on roads.

Mr. Hastings presented the petition of sundry citizens of Muscatine county, praying the re-location of a part of the Territorial road running from Moscow to Marion ; which

On motion,

Was ordered to be laid upon the table.

Mr. Hastings offered the following :

*Resolved*, That the rules prohibiting the second and third readings of bills on the same day be, and the same are hereby suspended during the remainder of the present session.

Which was not adopted.

Mr. Hall offered the following :

*Resolved*, That the use of the Council Chamber be granted to J. B. Newhall on Monday evening next, for the purpose of delivering a lecture upon the history, resources and future prospects of Iowa.

Mr. Springer moved that the resolution be laid upon the table.

On which the yeas and nays were demanded by Mr. Hastings,

And were as follows :

YEAS—Messrs. Johnson, and Springer—2.

NAYS—Messrs. Bailey, Bainbridge, Browne, Coop, Greene, Hall, Hastings, Kirkpatrick, Leffler, Wallace, and President—11.

So the motion was lost.

The question being on the adoption of the resolution, it was carried in the affirmative.

So the resolution was adopted.

Mr. Wallace, from the select committee to whom was referred



No. 94, Council file, A bill entitled an act to raise a fund for the purchase of libraries in the school districts in this Territory,

Reported the same back to the Council without amendment, and asked to be discharged from the further consideration of the subject.

On motion,

The committee were discharged.

On motion,

The bill was ordered to be laid upon the table.

Mr. Hastings presented the communication of Chauncey Swan to the Legislative Council ;

Which, together with the accompanying documents, was

On motion by Mr. Leffler,

Referred to the committee on Territorial affairs.

Mr. Wallace, from the select committee to whom was referred

No. 50, Council file, A bill for an act supplementary to an act regulating marriages, approved Jan. 6, 1840,

Reported the same back to the Council, having amended the same by striking out two sections, and asked to be discharged from a further consideration of the subject.

On motion,

The committee were discharged.

Mr. Hastings, in accordance with previous notice, introduced

No. 127, Council file, A bill to divorce James Hill from his wife, Eliza Hill;

Which was read a first and second time.

Mr. Hastings moved an amendment, by striking out "James Hill," and inserting "James V. Hill, of Linn county." Which was adopted.

Mr. Hastings moved a suspension of the 13th rule, and that the bill be read a third time.

On which the yeas and nays were called for by Mr. Springer,

And were as follows:

YEAS—Messrs. Bailey, Browne, Coop, Greene, Hall, Hastings, Johnston, Leffler, Wallace and President—10.

NAYS—Messrs. Bainbridge, Kirkpatrick, and Springer—3.

So the bill was read a third time; and the question being on the passage of the bill,

The yeas and nays were called for by Mr. Johnston.

Mr. Leffler moved that Mr. Greene be excused from voting;

Which was lost.

The yeas and nays were now called on the passage of the bill,

And were as follows:

YEAS—Messrs. Bainbridge, Browne, Greene, Hall, Hastings, Johnston, and Wallace—7.

NAYS—Messrs. Bailey, Kirkpatrick, Leffler, Springer, and President—5.

So the bill was passed and title agreed to.

Mr. Springer, from the joint committee on enrollments, reported that said committee had examined

No. 73, Council file, A bill to authorize Ransom Long to keep a ferry across the Mississippi river opposite Salem, in Muscatine county.

No. 99, Council file, A bill for an act authorizing James Muir, a minor, to execute a deed to Anson L. Deming and Jesse C. Smith.



No. 100, Council file, A bill for an act to re-locate a Territorial road from Farmington to the southern Territorial line. And

No. 101, Council file, A bill to re-locate a part of a Territorial road in Jefferson county, and find the same to be correctly enrolled.

Mr. Springer, from the same committee, reported that said committee presented, on the 10th inst., to his Excellency the Governor, for his approval

An act concerning oaths and affidavits.

A memorial for a donation of lands to establish a seminary of learning at West Point, in Lee county. And

A memorial to Congress for the relief of Jeremiah Smith, jr.

The following message from the House of Representatives was received through Mr. Fales, Chief Clerk :

“ Mr. PRESIDENT—The House of Representatives have passed—

A bill for an act to provide for the appointment of an Acting Commissioner at Iowa City, defining his duties, and for other purposes.

In which the concurrence of the Council is requested.”

On motion by Mr. Hastings,

The vote disagreeing to an amendment made in No. 17, Council file, A bill to change the time of holding the District Courts in the second and third judicial districts, by the House of Representatives was reconsidered, and

On motion,

The amendment made by the House was agreed to.

Mr. Greene, from the committee on engrossed bills, reported that said committee had examined

No. 124, Council file, A bill for an act to authorize William H. Lloyd to keep a ferry at Lloyd's Ford, on Skunk river.

And find the same to be correctly engrossed.

Mr. Greene, from the committee on incorporations, to whom was referred

No. 110, House of Representatives file, A bill for an act to incorporate an Insurance Company at the town of Farmington, Van Buren county,

Reported the same back to the Council with several amendments, and asked to be discharged from the further consideration of the subject.

On motion,

The committee were discharged.

Mr. Greene, from the committee on incorporations, to whom was referred the petition of sundry citizens of the town of Salem, reported

No. 128, Council file, A bill relative to the survey of the town of Salem;

Which was read a first and second time, and the thirteenth rule having been suspended,

On motion by Mr. Hastings,

The bill was read a third time and passed; title agreed to.

Mr. Coop, from the committee on roads, to whom was referred sundry petitions on the subject, reported

No. 129, Council file, A bill to establish a Territorial road from Bloomington to Washington, in Washington county;

Which was read a first and second time.

On motion by Mr. Greene,

The Council proceeded to a consideration of the same in committee of the whole, Mr. Wallace being in the chair.



After some time spent therein, the same was reported back to the Council with one amendment.

On motion,

The report of the committee was concurred in, and

On motion,

The bill was ordered to be engrossed for a third reading.

Mr. Coop, from the committee on roads, to whom was referred

No. 85, House of Representatives file, A bill for an act to locate certain Territorial roads therein named,

Reported the same back to the Council with two amendments, and asked to be discharged from the further consideration of the subject.

On motion,

The committee were discharged.

Mr. Hastings had leave and introduced

No. 130, Council file, A bill for the relief of James Davis, former sheriff of Muscatine county,

Which was read a first and second time.

On motion,

The 13th rule was suspended: the bill was read a third time and passed; title agreed to.

Mr. Coop, from the committee on roads, to whom was referred the petition of sundry citizens of the county of Linn on the subject, reported

No. 131, Council file, A bill for the re-location of the Territorial road established from Davenport to Marion;

Which was read a first and second time.

On motion,

The 13th rule was suspended: the bill was read a third time and passed; title agreed to.

Mr. Parker had leave and introduced

No. 132, Council file, A bill relative to the Davenport Institute;

Which was read a first time.

Mr. Parker also had leave and introduced

No. 133, Council file, A bill relative to the officers of the Legislative Assembly;

Which was read a first and second time, and

On motion,

Ordered to be considered in committee of the whole Council to morrow.

No. 62, House of Representatives file, A bill for an act to amend an act concerning costs and fees,

Being the order of the day, was taken from the table.

Mr. Coop offered an amendment, by striking out of the first section the words "three dollars," and inserting "two dollars and fifty cents," and called for the yeas and nays on the same, which were as follows:

YEAS—Messrs. Bailey, Coop, Johnston, Kirkpatrick, Leffler, and Wallace—6.

NAYS—Messrs. Bainbridge, Browne, Greene, Hall, Hastings, Springer, and President—7.

So the amendment was not adopted.

Mr. Hastings offered an amendment to the first section, by striking out \$5, and inserting \$8.



Mr. Greene offered an amendment to the amendment, by inserting \$10.

On which Mr. Coop called for the yeas and nays, which were as follows:

YEAS—Messrs. Greene, Hastings, Kirkpatrick, and President—4.

NAYS—Messrs. Bailey, Bainbridge, Browne, Coop, Hall, Johnston, Leffler, Springer, and Wallace—9.

So the amendment was not adopted.

The question being on the adoption of the original amendment, it was carried.

Mr. Bainbridge moved to amend, by striking out all in relation to fees of the Clerk of the District Court.

On which Mr. Springer called for the yeas and nays,

Which were as follows :

YEAS—Messrs. Bainbridge, Greene, and President—3.

NAYS—Messrs. Bailey, Browne, Coop, Hall, Hastings, Johnston, Kirkpatrick, Leffler, Springer, and Wallace—10.

So the motion was lost.

Mr. Hastings moved to amend 1st section by striking out \$2 and inserting \$5.

The question being on striking out \$2 ;

Mr. Wallace called for the yeas and nays, which were as follows :

YEAS—Messrs. Bainbridge, Browne, Hall, Hastings, Johnston, Kirkpatrick, Springer and President—8.

NAYS—Messrs. Bailey, Coop, Greene, Leffler and Wallace—5. Carried.

The question being on inserting \$5, Mr. Hastings called for the yeas and nays.

Mr. Hall moved to strike out all that part of the section referring to fees of District attorneys ;

On which Mr. Coop called for the yeas and nays,

Which were as follows :

YEAS—Messrs. Bainbridge, Browne, Greene, Hall, Johnston, Kirkpatrick and Springer—7.

NAYS—Messrs. Bailey, Coop, Hastings, Leffler, Wallace and President—6.

So the motion was carried.

Mr. Parker moved that the bill be referred to the committee on the judiciary,

Which was lost.

Mr. Springer offered the following amendment :

Add to section 3d, after the word "repealed," "with the exception of fees of district attorneys,"

Which was adopted.

Mr. Bailey moved that the bill be now read a third time.

Mr. Kirkpatrick called for the yeas and nays on the same,

Which were as follows :

YEAS—Messrs. Bailey, Browne, Coop, Hall, Hastings, Johnston, Leffler, Springer and Wallace—9.

NAYS—Messrs. Bainbridge, Greene, Kirkpatrick, and President—4.

Mr. Parker offered the following amendment ;

This act to take effect and be in force from and after the first day of August next.

On which Mr. Springer called for the yeas and nays.



The question being on sustaining the chair in the decision relative to admitting an amendment after the bill was ordered to a third reading, but before its being read ;

Mr. Springer called for the yeas and nays,

Which were as follows :

YEAS—Messrs. Bailey, Bainbridge, Coop, Greene, Hall, Hastings, Johnston, Kirkpatrick, Leffler and President—10.

NAYS—Messrs. Springer and Wallace—2.

The yeas and nays were now called on Mr. Parkers amendment,

And were as follows :

YEAS—Messrs. Bailey, Bainbridge, Browne, Greene, Hall, Hastings, Johnston, Kirkpatrick, Leffler and President—10.

NAYS—Messrs. Coop, Springer and Wallace—3.

So the amendment was adopted.

The bill was now read a third time, and the question being on its passage, Mr. Kirkpatrick called for the yeas and nays,

Which were as follows :

YEAS—Messrs. Bailey, Browne, Coop, Hall, Hastings, Johnston, Leffler, Springer, Wallace and President—10.

NAYS—Messrs. Bainbridge, Greene, and Kirkpatrick—3.

So the bill was passed and title agreed to.

On motion,

The Council adjourned until 2 o'clock, P. M.

#### TWO O'CLOCK, P. M.

The Council met pursuant to adjournment.

No. 129, House of Representatives file, A bill for an act for the organization of townships,

Being in order, was read a first and second time.

On motion by Mr. Greene,

The Council proceeded to a consideration of the same in committee of the whole, Mr. Springer being in the chair.

After some time spent therein, the bill was reported back to the Council without amendment.

On motion,

The report of the committee was concurred in, and the bill referred to the committee on county and township boundaries.

The following message from the House of Representatives, was received through Mr. Fales, Chief Clerk :

“Mr. PRESIDENT—The House have indefinitely postponed—

No. 87, Council file, A bill to amend an act concerning writs of attachment.

No. 113, Council file, A joint resolution for the purchase of books for the Territorial Library.

The House have passed

No. 2, Council file, A resolution requesting the survey of certain Islands in the Mississippi river ; also,

No. 66, House of Representatives file, A memorial to Congress for the establishment of a National Armory at Rock Island.



No. 137, House of Representatives file, A bill to re-locate a Territorial road in Clayton county.

No. 133, House of Representatives file, A bill relative to the navigation of the Maquoqueto river.

In all of which the concurrence of the Council is requested.

I herewith present for your signature four enrolled bills which have been signed by the Speaker of the House of Representatives."

Which were signed by the President.

Mr. Leffler had leave to withdraw the papers relative to the claim of James M. Morgan, and to introduce

No. 134, Council file, A memorial to Congress praying an appropriation for the compensation of James M. Morgan,

Which was read a first and second time, and

On motion,

Ordered to be engrossed for a third reading to-morrow.

On motion by Mr. Springer,

No. 109, Council file, A bill to incorporate the Iowa City Fire Engine Company, was taken from the table.

The bill was read a first and second time.

Mr. Hastings moved an amendment by inserting after the name "McCormick," the names of Malcolm Murray and John Powell,

Which was adopted.

On motion,

The bill was ordered to be engrossed for a third reading to-morrow.

No. 95, House of Representatives file, A bill for an act to provide for the expression of the opinion of the people of the Territory of Iowa, upon the subject of the formation of a State Constitution and Government, and to enable them to form a Constitution for the State of Iowa.

Was read a third time and passed; title agreed to.

On motion by Mr. Leffler,

The Council resolved itself into Executive session upon the message from his Excellency the Governor.

After some time spent therein,

On motion,

The Council resumed its regular session.

Mr. Johnston moved that

No. 120, Council file, A bill for an act amendatory to the several acts providing for the erection of a Penitentiary, be taken from the table,

Which was lost.

Mr. Springer gave notice that he would, on to-morrow, ask leave to introduce a bill repealing the 2d and 4th sections of an act entitled an act supplementary to an act defining the duties of county surveyors, approved, December 21st, 1840.

No. 71, House of Representatives file, A bill for an act to amend an act subjecting real and personal estate to execution,

Came up in order as amended by the select committee to whom it was referred.

Mr. Hastings moved that the Council consider the same in committee of the whole, which was done, Mr. Bailey being in the chair, and,



After some time spent in its consideration, the bill was reported back to the Council without amendment.

On motion,

The report of the committee was concurred in.

On motion by Mr. Hastings,

The bill was referred to a committee of the whole Council on to-morrow.

Mr. Bailey moved to take from the table the resolution relative to the pay of officers of the Council, when

Mr. Browne moved that the Council adjourn until 10 o'clock to-morrow morning,

On which the yeas and nays were called for by Mr. Hastings,

And were as follows :

YEAS—Messrs. Bainbridge, Browne, Hall, Johnston, Kirkpatrick, Leffler, Wallace and President—8.

NAYS—Messrs. Bailey, Coop, Greene and Hastings—4.

So the Council adjourned until 10 o'clock to-morrow morning.

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### Saturday Morning, Feb. 12, 1842.

The Council met pursuant to adjournment.

Mr. Springer in accordance with previous notice, had leave and introduced No. 134, Council file, A bill to repeal the second and fourth sections of an act entitled an act supplementary to "an act defining the duties of county surveyors, approved, December 25th, 1838," approved December 21st, 1840,

Which together with a communication on the subject, was,

On motion,

Referred to the committee on the judiciary.

Mr. Greene, from the committee on engrossed bills, reported that said committee have examined

No. 129, Council file, A bill to establish certain Territorial roads.

No. 135, Council file, A memorial to Congress praying an appropriation for the compensation of James M. Morgan ; and

No. 109, Council file, A bill to incorporate the Iowa City Fire Engine Company No. 1, and find the same to be correctly engrossed.

Mr. Kirkpatrick, from the committee on claims to whom was referred the claim of Morgan Reno, offered the following :

—Resolved, That Morgan Reno be allowed, for services rendered in assisting the Secretary in arranging the halls for the reception of the Legislature, and for fuel and candles furnished for the use of the Library, and for other extra incidental services and expenses rendered in removing the furniture from Burlington to Iowa City, the sum of seventy-six dollars and twenty cents.

*over*



And that said Morgan Reno be allowed the sum of eleven dollars and fifty cents to be by him appropriated to pay for one copy of Niles' Register from the 1st of January, 1840, to the 1st of January, 1842, and that the committee on expenditures be instructed to incorporate the above amounts into the appropriation bill,

And asked to be discharged from the further consideration of the subject.

On motion,

The committee were discharged.

Mr. Kirkpatrick, from the committee on expenditures, to whom was referred a resolution relative to the claim of Rev. Samuel Mazzukelli,

Reported that said committee had examined said claim, and recommend that it be not incorporated into the appropriation bill, and asked to be discharged from the further consideration of the subject.

On motion,

The committee were discharged.

Mr. Greene, from the committee on incorporations, to whom was referred the petition of J. M. Coleman for a ferry charter across the Iowa river, together with a remonstrance on the same subject,

Reported that the committee deemed it inexpedient to grant the prayer of said petitioner, and asked to be discharged from the further consideration of the subject.

On motion,

The committee were discharged.

No. 125, Council file, A bill for an act to amend an act relative to divorce, alimony, and for other purposes,

Was read a second time.

On motion by Mr. Wallace,

The Council proceeded to a consideration of the same in committee of the whole, Mr. Springer being in the chair.

After some time spent therein, the bill was reported back to the Council with one amendment.

On motion,

The report of the committee was concurred in, and

On motion by Mr. Johnston,

Laid upon the table subject to the order of the Council.

The following message from the House of Representatives was received through Mr. Fales, Chief Clerk :

"Mr. PRESIDENT—I herewith present for your signature seven enrolled bills, all of which have been signed by the Speaker of the House of Representatives."

Which were signed by the President.

No. 127, House of Representatives file, A bill for an act repealing a portion of an act to locate and establish a Territorial road from the town of Dubuque to Camp Atkinson, approved, January 13th 1841,

Was read a first and second time.

The 13th rule having been suspended,

On motion by Mr. Bainbridge,

The bill was read a third time and passed ; title agreed to.

No. 126, Council file, A bill for the re-location of the Territorial road from Iowa City to Prairie du Chien,



Was read a second time, and

On motion by Mr. Coop,

Ordered to be engrossed for a third reading on Monday.

No. 116, House of Representatives file, A bill to locate a road from Fairfield to the forks of Skunk river,

Was read a third time and passed; title agreed to.

On motion by Mr. Wallace,

No. 55, House of Representatives file, A bill to authorize Joseph Stevens to build a dam across Skunk river, was taken from the table.

The bill was read a third time, and the question being on its passage,

The yeas and nays were called for by Mr. Johnston,

And were as follows:

YEAS—Messrs. Bainbridge, Coop, Hall, Hastings, Kirkpatrick, Leffler, Springer and Wallace—8.

NAYS—Messrs. Bailey, Browne, Greene, Johnston and President—5.

So the bill was passed and title agreed to.

No. 134, Council file, A memorial to Congress praying an appropriation for the compensation of James M. Morgan,

Was read a third time and passed.

No. 109, Council file, A bill to incorporate the Iowa City fire Engine Company No. 1,

Was read a third time and passed: title agreed to.

No. 129, Council file, A bill to establish certain Territorial roads,

Being in order, was,

On motion,

Referred to a select committee composed of Messrs. Greene and Hastings.

On motion by Mr. Leffler,

No. 101, House of Representatives file, A resolution authorizing pay to John Lorton,

Was taken from the table.

Mr. Johnston moved to amend the title by adding to it, "and Hawkins Taylor."

Which was adopted.

The bill was read a third time by its title, as amended, and passed.

No. 66, House of Representatives file, Memorial to Congress for the establishment of a National Armory at Rock Island, and for other purposes,

Was read a first time.

No. 133, House of Representatives file, A bill relative to the navigation of the Maquoqueta river,

Was read a first and second time, and

On motion,

Ordered to a third reading on Monday.

Mr. Bainbridge, from the committee on county and township boundaries, to whom was referred

No. 129, House of Representatives file, A bill for an act for the organization of townships,

Reported the same back to the Council with one amendment, and asked to be discharged from the further consideration of the subject.

On motion,

The committee were discharged.



Mr. Greene, from the select committee to whom was referred No. 129, Council file, A bill to establish certain Territorial roads. Reported the same back to the Council with amendments, and asked to be discharged from the further consideration of the subject.

On motion,

The committee were discharged.

On motion by Mr. Springer,

No. 23, House of Representatives file, A bill for an act to provide for receiving the proportion of money to which Iowa will be entitled under the Distribution law, was taken from the table.

The bill was read a second time.

Mr. Springer offered the following amendment:

Section 2. And the said Treasurer is hereby required to keep all sums of money received as aforesaid, subject to appropriations hereafter to be made by the Legislative Assembly.

Mr. Browne offered the following substitute for the same:

Section 2d. And it shall further be the duty of the Treasurer of the Territory, when he shall have received the aforesaid sums of money, to pay over the same to the Superintendent of the Penitentiary, to be by him applied to the completion of the said building;

Which was not agreed to.

The question recurring on the amendment offered by Mr. Springer, It was adopted.

On motion by Mr. Springer,

The 13th rule was suspended, and the bill read a third time and passed; title agreed to.

No. 137, House of Representatives file, A bill to re-locate a Territorial road in Clayton county,

Was read a first and second time, and

The 13th rule having been suspended, the bill was read a third time and passed; title agreed to.

Mr. Hastings had leave and introduced

No. 135, Council file, A bill to amend an act to incorporate the town of Bloomington,

Which was read a first and second time, and

The 13th rule having been suspended, the bill was read a third time and passed; title agreed to.

An act to provide for the appointment of an Acting Commissioner at Iowa City, defining his duties, and for other purposes,

Was read a first and second time.

On motion by Mr. Springer,

The Council proceeded to a consideration of the same in committee of the whole, Mr. Wallace being in the chair.

After some time spent therein, the same was reported back to the Council, the committee having stricken out all save the enacting clause.

The question being on concurring in the report of the committee,

Mr. Springer called for the yeas and nays,

Which were as follows:

YEAS—Messrs. Browne, Hall, Johnston, Kirkpatrick, Springer, Wallace and President—7.



NAYS—Messrs. Bailey, Bainbridge, Coop, Greene, Hastings, and Leffler—6.

So the amendment was concurred in, and

On motion,

The enacting clause was ordered to be laid upon the table.

On motion by Mr. Hastings,

No. 80, Council file, A bill authorizing the reduction of the minimum price of the unsold lots in Iowa City, and their sale for work and materials,

Was taken from the table, and

On motion by the same gentleman,

The Council proceeded to a consideration of the same in committee of the whole, Mr. Browne being in the chair.

After some time spent therein, the bill was reported back to the Council with sundry amendments.

On motion,

The report of the committee was concurred in.

The 13th rule having been suspended,

On motion by Mr. Hastings,

The bill was read a third time and passed.

Mr. Springer moved to amend the title of the bill by adding "and for other purposes ;"

Which was adopted.

No. 81, Council file, A bill for an act to authorize the Territorial Agent to enforce the collection of notes given in payment for lots in Iowa City, and for other purposes, was,

On motion by Mr. Hastings,

Taken from the table, and

On motion by the same gentleman,

Indefinitely postponed.

No. 124, Council file, A bill for an act to authorize William H. Lloyd to keep a ferry at Lloyd's Ford, on Skunk river.

Was read a third time and passed ; title agreed to.

No. 71, House of Representatives file, A bill for an act to amend an act subjecting real and personal estate to execution, being the order of the day,

On motion by Mr. Hastings,

The Council proceeded to a consideration of the same in committee of the whole, Mr. Bainbridge being in the chair.

After some time spent therein, the bill was reported back to the Council with sundry amendments ; when

On motion,

The Council adjourned until 2 o'clock, P. M.

## TWO O'CLOCK, P. M.

The Council met pursuant to adjournment.

The following message from the House of Representatives was received through Mr. Fales, Chief Clerk :

"Mr. PRESIDENT—The House of Representatives have passed, with amendments,

No. 117, Council file, A bill to amend an act to prevent and punish gaming.



The House have also passed

No. 79, Council file, A bill to amend an act to regulate ferries.

No. 96, Council file, A bill to incorporate the city of Keosauqua.

No. 119, Council file, A bill to incorporate the town of Fort Madison.

No. 118, Council file, A bill to divorce John E. Ely, from Minerva Ely.

No. 131, House of Representatives file, A bill to establish an Insurance Company in the city of Dubuque.

No. 134, House of Representatives file, A bill to authorize Boards of Commissioners to appoint agents to dispose of real estate.

No. 135, House of Representatives file, A bill to re-locate a part of the road from Iowa City to Burlington.

No. 138, House of Representatives file, A bill for an act to establish the Des Moines Insurance Company in the city of Burlington.

In which the concurrence of the Council is requested.

The House have indefinitely postponed

No. 123, Council file, A joint resolution asking Congress for an appropriation to erect a bridge across the south fork of the Maquoketa.

The House have concurred in all the amendments made by Council to

No. 62, House of Representatives file, A bill to amend an act concerning costs and fees."

On motion by Mr. Hastings,

The 13th rule was suspended, and

No. 102, House of Representatives file, A bill for an act to locate and establish a Territorial road from Charles Nealy's, in Muscatine county, to Iowa City in Johnson country,

Was read a third time and passed; title agreed to.

The resolution relative to compensating Mr. (Secretary) Stull, for services rendered the Legislative Assembly of the Territory, being in order, was,

On motion,

Adopted.

No. 85, House of Representatives file, A bill for an act to locate certain Territorial roads therein named,

Came up in order as amended by the select committee to whom it was referred.

On motion,

The amendments made by the committee were concurred in.

Mr. Parker moved that the first section be stricken out;

On which the yeas and nays were called for by Mr. Kirkpatrick,

And were as follows:

YEAS—Messrs. Bainbridge, Browne, Hall, Leffler, Springer, Wallace and President—7.

NAYS—Messrs. Bailey, Coop, Greene, Hastings, Johnston and Kirkpatrick—6.

So the section was stricken out.

Mr. Parker moved an amendment by striking out the 2d section;

Which was adopted, and the section stricken out.

On motion by Mr. Parker,

The 13th rule was suspended and the bill read a third time and passed.

Mr. Greene moved the following amendment to the title of the bill; After word 'locate,' insert 'and establish a Territorial road from Bellview to Tipton;'



Which was adopted.

Mr. Kirkpatrick gave notice that he would, on to-morrow or some subsequent day, ask leave to introduce a bill to locate a Territorial road from Point Pleasant in Scott county, to Dubuque.

No. 110, House of Representatives file, A bill for an act to incorporate an Insurance Company at the town of Farmington, Van Buren county,

As amended by the committee on incorporations, being in order, was now taken up.

Mr. Hall moved that the Council disagree to the first amendment made by the committee,

On which the yeas and nays were called for by Mr. Kirkpatrick,

And were as follows :

YEAS—Messrs. Bainbridge, Browne, Hall, Leffler, Springer, Wallace and President—7.

NAYS—Messrs. Bailey, Coop, Greene, Hastings, Johnston and Kirkpatrick—6.

So the amendment was not agreed to.

On motion by Mr. Hall,

The second amendment made by the committee was concurred in.

Mr. Greene moved the following amendment in 6th section : In 6th line strike out the word "transaction," and insert "transportation ;"

Which was adopted.

Mr. Hall moved the following amendment to section 6 : Strike out all after the word "unemployed" in the 14th line to the word "on" in the 15th line of same section, and insert "capital, provided said corporation shall loan nothing but gold and silver, or the notes of specie paying banks, such as are at par credit in said town of Farmington and the city of St. Louis ;"

On which Mr. Kirkpatrick called for the yeas and nays,

Which were as follows :

YEAS—Messrs. Bainbridge, Browne, Hall, Leffler, Springer, Wallace and President—7.

NAYS—Messrs. Bailey, Coop, Greene, Hastings, Johnston and Kirkpatrick—6.

So the amendment was adopted.

On motion by Mr. Hall,

The 13th rule was suspended, and the bill read a third time.

The question being on its passage,

Mr. Coop called for the yeas and nays,

Which were as follows :

YEAS—Messrs. Bainbridge, Browne, Hall, Leffler, Springer, Wallace and President—7.

NAYS—Messrs. Bailey, Coop, Greene, Hastings, Johnston and Kirkpatrick—6.

So the bill was passed and title agreed to.

On motion by Mr. Bailey,

The resolution relating to the per diem allowance of the officers of the Council, was taken from the table.

Mr. Bailey moved an amendment by striking out "50 cents" from the per diem allowance of the Secretary.



Mr. Hall moved a call of the Council, which was had, when Messrs. Springer and Wallace were found to be absent.

The absentees appearing,

On motion by Mr. Hastings,

The further call of the Council was dispensed with.

The question now being on Mr. Bailey's amendment,

Mr. Johnston moved that the Council adjourn,

When Mr. Bainbridge called for the yeas and nays,

Which were as follows :

YEAS—Messrs. Browne, Greene, Hall, Johnston, Leffler and Springer—6.

NAYS—Messrs. Bailey, Bainbridge, Coop, Hastings, Kirkpatrick, Wallace and President—7.

So the motion was lost.

Mr. Springer moved that the resolution be indefinitely postponed ;

When Mr. Wallace called for the yeas and nays,

Which were as follows ;

YEAS—Messrs. Bailey, Browne, Greene, Hastings, Johnston, Kirkpatrick, Leffler, Springer and President—9.

NAYS—Messrs. Bainbridge, Coop, Hall and Wallace—4.

So the resolution was indefinitely postponed.

On motion,

The Council adjourned until 10 o'clock on Monday morning.

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### Monday Morning, Feb. 14, 1842.

The Council met pursuant to adjournment.

Mr. Bainbridge offered the following :

*Resolved*, That George W. Harris, Recording Clerk of the Council, be allowed the sum of three dollars per day for his services as such, and that the committee on expenditures be instructed to incorporate said amount in the appropriation bill of the present Session," when

Mr. Hastings called for the yeas and nays on the same,

Mr. Greene moved that the resolution be laid upon the table ;

Which was lost.

The yeas and nays were now called, and were as follows :

YEAS—Messrs. Bainbridge, Coop, Hall, Kirkpatrick and Wallace—5.

NAYS—Messrs. Bailey, Browne, Greene, Hastings, Johnston, Leffler, Springer and President—8.

So the resolution was not adopted.

Mr. Bainbridge presented the claims of F. Reno and Walter Butler, which,

On motion,

Were referred to the committee on claims.



Mr. Hastings offered the following :

*Resolved*, That the rules prohibiting the second and third readings of the bills on the same day, be, and the same are hereby suspended for the remainder of the session ;

On which Mr. Springer called for the yeas and nays,

Which were as follows :

YEAS—Messrs. Bailey, Greene, Hastings, Johnston, Kirkpatrick and Leffler—6.

NAYS—Messrs. Bainbridge, Browne, Coop, Hall, Springer, Wallace and President—7.

So the resolution was not adopted.

Mr. Johnston, from the committee on the judiciary to whom was referred

No. 134. Council file. A bill to repeal the 2d and 3d sections of an act entitled "an act supplementary to an act defining the duties of county surveyors, approved, December 25th 1838," approved, December 21st 1840,

Reported the same back to the Council without amendment, and recommended its passage, asking to be discharged from the further consideration of the subject.

On motion,

The committee were discharged.

Mr. Springer, from the joint committee on enrollments, reported that said committee presented, on the 12th inst., to his Excellency, the Governor for his approval

An act to authorize Ransom Long to keep a ferry across the Mississippi river, opposite Salem, in Muscatine county.

An act to re-locate a Territorial road from Farmington to the Missouri line.

An act authorizing James Muir, a minor, to execute a deed to Anson L. Deming and Jesse C. Smith ; and

An act to re-locate a part of a Territorial road in Jefferson county.

Mr. Springer, from the same committee, reported that said committee had examined

No. 106, Council file, An act relative to the survey of the town of Marion.

No. 2, Council file, Resolution requesting Delegate to procure survey of certain Islands in the Mississippi river.

No. 41, Council file, A bill to revive and amend an act to incorporate the Bloomington Insurance Company, approved, January 13, 1840.

No. 112, Council file, An act to authorize David G. Bates and John Forbes to keep a ferry across the Mississippi river, in Jackson county,

And find the same to be correctly enrolled.

Mr. Hastings, from the committee on Territorial affairs, to whom was referred the communication of Chauncy Swan, relative to certain charges preferred against him as Superintendent of public buildings at Iowa City, together with the affidavits to refute said charges, reported

That they have examined the said affidavits, and from the known respectability and character of the affiants, and from their knowledge of all the doings of Mr. Swan as Superintendent of public buildings, your committee believe that Mr. Swan has triumphantly refuted every charge of malconduct, on his part, as Superintendent of public buildings at Iowa City. The first charge against Mr. Swan, is, that Mr. Swan exercised an undue influence over the freedom of elections while discharging the duties of Superintendent. How



great a crime it may be for Mr. Swan to have possessed the confidence of his fellow citizens so far as to have had the influence that pertains to an honest and upright citizen, your committee are not prepared to say; but so far as Mr. Swan is charged with having brought the influence of the office which he holds to interfere with the freedom of elections, or the right of expression of opinion, this charge is proven to be untrue by the affidavits of Dr. Henry Murray, Stephen B. Gardner, John Homer and others.

The second charge against Mr. Swan is, that he has sold his private property at extravagant prices, and giving to the purchasers profitable jobs on the public works. The cases cited to support this charge, is a sale of a lot to Heron & Hanby for the sum of \$900 00, and, also, the sale of a lot to one Wm. Adams for \$300 00. To prove the falsity and injustice of this charge, your committee refer to the deposition of Heron & Hanby themselves, in which they acquit Mr. Swan, beyond a doubt, of any conduct in this transaction that would authorize the least suspicion of the truth of this charge. To explain the contract with Adams, your committee refer to the affidavits of Wm. P. Doty, Matthew Browne, and the certificate of Col. Jesse Williams, Territorial Agent.

As to the third and last charge of procuring the hands at work on the Capitol to take steps to secure the continuance of Mr. Swan in office, your committee deem it unworthy of notice; but to satisfy those who magnify such a movement as an enormous malfeasance in office, your committee refer to the affidavits of Thomas Parker and A. Ward, in which it will be seen that there is no foundation for this charge, and that Mr. Swan is acquitted of the conduct imputed to him.

In justice to Mr. Swan as Superintendent of public buildings at Iowa City, your committee recommend the adoption of the following resolution:

*Resolved*, That, in the opinion of this Council, the several charges heretofore preferred against Chauncy Swan of malconduct in, and abuse of the office of Superintendent of public buildings at Iowa City, are untrue."

Mr. Springer moved that the report be laid upon the table;

Which was carried.

A message from his Excellency, the Governor, was received through Mr. (Secretary) Stull.

Mr. Bainbridge offered the following:

*Resolved*, That no note, record or minute of the report of the chairman of the committee on Territorial affair, in relation to C. Swan, be made on the Journals of the Council;

On which Mr. Hastings called for the yeas and nays,

Which were as follows:

YEAS—Messrs. Bainbridge, Browne, Hall and Springer—4.

NAYS—Messrs. Bailey, Boop, Greene, Hastings, Johnston, Kirkpatrick, Leffler and President—8.

So the resolution was not adopted.

Mr. Johnston gave notice that he would, on to-morrow or some subsequent day, ask leave to introduce a bill for the assessment and collection of taxes on land covered by the town plat of Zerahemla, in Lee county.

No. 66, House of Representatives file, Memorial to Congress for the establishment of a National Armory at Rock Island, and for other purposes,

Was read a second time.



The 13th rule having been suspended,

On motion by Mr. Bainbridge,

The bill was read a third time and lost.

No. 132, Council file, A bill relative to the Davenport Institute,

Was read a second time, and

On motion,

Ordered to be engrossed for a third reading.

No. 121, Council file, A bill for an act to amend an act relative to wills and testaments,

Was read a second time.

On motion by Mr. Johnston,

The Council proceeded to a consideration of the same in committee of the whole, Mr. Browne being in the chair.

After some time spent therein, the bill was reported back to the Council without amendment.

On motion,

The report of the committee was concurred in.

On motion by Mr. Springer,

The 13th rule was suspended, the bill was read a third time and passed ; title agreed to.

No. 129, Council file, A bill to establish certain Territorial roads,

Was read a third time and passed ; title agreed to.

No. 133, House of Representatives file, A bill relative to the navigation of the Maquoqueta river,

Was read a third time and passed.

Mr. Hastings moved to amend the title by inserting the word "fish" before the word "navigation ;"

Which was not adopted.

The original title was agreed to.

Ordered, That the Secretary notify the House of Representatives accordingly.

No. 133, Council file, A bill relative to officers of the Legislative Assembly, being in order, was,

On motion,

Ordered to be engrossed for a third reading to-morrow.

No. 118, House of Representatives file, A bill to re-locate and establish a Territorial road from Marion to Eades' Grove,

Being in order, was,

On motion,

Ordered to a third reading.

No. 117, House of Representatives file, A bill to locate and establish a Territorial road from Wm. Clark's to Marion,

Came up as amended by the select committee to whom it was referred.

On motion,

The amendments of the committee were concurred in, and

On motion by Mr. Greene,

The bill was ordered to be laid upon the table.

No. 50, Council file, A bill for an act supplementary to an act regulating marriages, approved January 6th, 1840,

Came up as amended by the select committee to whom it was referred.



On motion,

The amendments made by the committee were agreed to.

On motion by Mr. Wallace,

The 13th rule was suspended, and the bill was read a third time.

On motion by Mr. Springer,

The first paragraph of the 4th section was stricken out, and

On motion,

The bill was passed and its title agreed to.

Ordered, That the Secretary notify the House of Representatives accordingly.

On motion by Mr. Johnston,

No. 125, Council file, A bill for an act relative to divorce, alimony, and for other purposes, was taken from the table.

Mr. Johnston offered the following amendment to section 5 :

"Provided, that in all cases where the parties do not mutually agree to file a bill, as aforesaid, the same proceedings shall be had in applications for divorce as are required in the act to which this is amendatory."

Which was adopted.

Mr. Springer offered an amendment by striking out the 5th section, and called for the yeas and nays on the same,

Which were as follows :

YEAS—Messrs. Bailey, Bainbridge, Kirkpatrick, Leffler, Springer and President—6.

NAYS—Messrs. Browne, Coop, Greene, Hall, Hastings, Johnston and Wallace—7.

So the amendment was lost.

The question being on the bill coming up for a third reading,

Mr. Kirkpatrick called for the yeas and nays,

Which were as follows :

YEAS—Messrs. Bainbridge, Browne, Coop, Greene, Hall, Hastings, Johnston and Wallace—8.

NAYS—Messrs. Bailey, Kirkpatrick, Leffler, Springer and President—5.

So the bill was ordered to be engrossed for a third reading.

No. 129, House of Representatives file, A bill for an act for the organization of townships,

Came up as amended by the committee on county and township boundaries.

On motion,

The amendments made by the committee were agreed to.

Mr. Wallace offered the following amendment :

"Sec. . That the judges and clerks of election, in said townships, shall receive no compensation from the county treasury for services as such."

Which was agreed to.

On motion by Mr. Hastings,

The 13th rule was suspended, and the bill read a third time and passed ; title agreed to.

Ordered, That the Secretary notify the House of Representatives accordingly.

On motion by Mr. Wallace.

No. 73, House of Representatives file, A bill creating a permanent School fund, and for other purposes, was taken from the table.



Mr. Bailey moved to strike out the 6th section, and called for the yeas and nays on the same,

Which were as follows :

YEAS—Messrs. Bailey, Coop, Greene, Hastings, Leffler and President—6.

NAYS—Messrs. Bainbridge, Browne, Hall, Johnston, Kirkpatrick, Springer and Wallace—7.

So the motion was lost.

Mr. Springer moved an amendment by striking out all after word "whatsoever," in 5th line, to word "be," in 8th line ;

Which was not agreed to.

Mr. Hastings moved that the bill be indefinitely postponed,

When Mr. Kirkpatrick called for the yeas and nays,

Which were as follows :

YEAS—Messrs. Bailey, Greene, Hastings, Johnston Leffler, and President—6.

NAYS—Messrs. Bainbridge, Browne, Coop, Hall, Kirkpatrick, Springer and Wallace—7.

So the motion was lost.

Mr. Springer moved to strike out all after the enacting clause except the 6th section ;

On which Mr. Wallace called for the yeas and nays,

Which were as follows :

YEAS—Messrs. Bainbridge, Johnston, Kirkpatrick, Springer and President—5.

NAYS—Messrs. Bailey, Browne, Coop, Greene, Hall, Hastings, Leffler, and Wallace—8.

So the motion was lost.

Mr. Bailey moved that the bill be laid upon the table until 1st of January next ;

On which Mr. Bainbridge called for the yeas and nays,

Which were as follows :

YEAS—Messrs. Bailey, Coop, Greene, Hastings, Johnston, Springer and President—7.

NAYS—Messrs. Bainbridge, Browne, Hall, Kirkpatrick, Leffler, and Wallace—6.

So the motion was carried and the bill ordered to be laid upon the table.

The following message from the House of Representatives was received through Mr. Fales, Chief Clerk :

" Mr. PRESIDENT—The House of Representatives have concurred in the amendment of the Council to

No. 95, House of Representatives file, By striking out the word "six," in the qualifications of the delegates, and inserting 'twelve' in the 5th section.

The House have passed

No. 143, House of Representatives file, A resolution for the relief of Walter Butler.

No. 32, Council file, A memorial to Congress for an appropriation to complete the National road.

No. 61, Council file, A bill for an act to authorize the appointment of a county agent for the county of Johnson.



I herewith present for your signature six enrolled bills which have been signed by the Speaker of the House of Representatives."

Which were signed by the President.

A message from his Excellency, the Governor, was received through Mr. (Secretary) Stull.

Mr. Johnston gave notice that he would ask leave, on to-morrow, to introduce a bill abolishing the office of Superintendent of Public Instruction.

On motion by Mr. Leffler,

No. 62, Council file, A bill to provide for the inspection of beef, pork and flour, in this Territory, was taken from the table.

Mr. Leffler moved that it be read a third time to-morrow;

When the yeas and nays were called for by Mr. Springer,

And were as follows:

YEAS—Messrs. Bailey, Bainbridge, Browne, Coop, Greene, Hastings, Johnston, Leffler and President—10.

NAYS—Messrs. Kirkpatrick, Springer and Wallace—3.

So the bill was ordered to a third reading.

On motion by Mr. Johnston,

The Council resolved itself into Executive session on the message from his Excellency, the Governor.

After some time spent therein,

On motion,

The Executive session rose.

On motion,

The Council adjourned until 2 o'clock, P. M.

## TWO O'CLOCK, P. M.

The Council met pursuant to adjournment.

No. 117, Council file, A bill to amend an act entitled an act to prevent and punish gaming,

Came up as amended by the House of Representatives.

On motion,

The Council concurred in the amendments made by the House.

No. 131, House of Representatives file, A bill for an act to establish an Insurance Company in the city of Dubuque,

Was read a first and second time, and

On motion by Mr. Hastings,

Referred to a committee of the whole Council to-morrow.

No. 134, House of Representatives file, A bill for an act to authorize Boards of Commissioners to appoint agents to dispose of real estate,

Was read a first time.

No. 135, House of Representatives file, A bill to re-locate a part of the road from Iowa City to Burlington,

Was read a first time.

No. 138, House of Representatives file, A bill for an act to establish the Des Moines Insurance Company, in the city of Burlington,

Was read a first and second time, and

On motion by Mr. Leffler,

Referred to a committee of the whole Council to-morrow.



No. 95, House of Representatives file, A bill to provide for the expression of the opinion of the people of the Territory of Iowa upon the subject of the formation of a State constitution and Government, and to enable them to form a constitution for the State of Iowa,

Came up as amended by the House of Representatives, they having amended the amendment made by the Council.

On motion by Mr. Browne,

The Council disagreed to the amendment made by the House.

The following message from the House of Representatives was received through Mr. Faies, Chief Clerk :

“Mr. PRESIDENT—The House of Representatives have passed—

No. 122, Council file, A joint resolution relative to a steam boat canal around the Lower Rapids of the Mississippi.

No. 142, House of Representatives file, A bill to vacate the survey and plat of a part of the town of Black Hawk in Louisa county.

No. 144, House of Representatives file, A bill for an act to punish for trespass on School and other lands.

In which the concurrence of the Council is requested.”

No. 143, House of Representatives file, A resolution for the relief of Walter Butler,

Was read a first and second time.

Mr. Bainbridge moved an amendment by inserting between the words ‘lot’ and ‘six,’ both in the resolution and preamble, the words ‘five and ;’

Which was agreed to.

Mr. Hastings moved an amendment by altering the number of the lot from 88 to 80 ;

Which was agreed to.

Mr. Hall moved a call of the Council, which was had, when Mr. Wallace was found to be absent.

The absentee appearing,

On motion by Mr. Hastings,

The further call of the Council was dispensed with.

Mr. Browne moved to refer the resolution to the committee on claims.

Which was lost.

On motion by Mr. Hastings,

The 13th rule was suspended and the bill read a third time.

The question being on its passage ;

The yeas and nays were called for by Mr. Springer,

And were as follows :

YEAS—Messrs. Bainbridge, Coop, Greene, Hastings, Johnston, Kirkpatrick, Leffler and President—8.

NAYS—Messrs. Bailey, Browne, Hall, Springer and Wallace—5.

So the resolution was passed.

No. 142, House of Representatives file, A bill for an act to vacate the survey and plat of the town of Black Hawk in Louisa county,

Was read a first and second time.

Mr. Springer moved an amendment by striking out the word ‘Black Hawk,’ wherever it occurs in the bill, and also in the title, and inserting ‘Toolesborough ;’

Which was adopted.



On motion by Mr. Springer,

The 13th rule was suspended : the bill was read a third time and passed ; title agreed to.

Ordered, That the Secretary notify the House of Representatives accordingly.

No. 144, House of Representatives file, A bill for an act to punish for trespass on School and other lands,

Was read a first time.

Mr. Hastings moved to reject the bill,

And called for the yeas and nays on the same, which were as follows :

YEAS—Messrs. Bainbridge, Browne, Hall, Hastings, Johnston, Kirkpatrick, Wallace and President—8.

NAYS—Messrs. Bailey, Coop, Greene, Leffler and Springer—5.

So the bill was rejected.

No. 71, House of Representatives file, A bill for an act to amend an act subjecting real and personal estate to execution,

Came up in order as amended in committee of the whole.

On motion,

The first and second amendments were not concurred in.

On motion by Mr. Hastings,

The third amendment was concurred in.

Mr. Springer moved to strike out the third section ;

When Mr. Browne called for the yeas and nays,

Which were as follows :

YEAS—Messrs. Bainbridge, Browne, Johnston, Springer and President—5.

NAYS—Messrs. Bailey, Coop, Greene, Hall, Hastings, Kirkpatrick, Leffler and Wallace—8. Lost.

Mr. Greene moved to amend 4th section, by striking out all that part which prevents its operating retrospectively.

On which the yeas and nays were called for by Mr. Johnston,

And were as follows :

YEAS—Messrs. Bailey, Coop, Greene, Hall, Hastings, Kirkpatrick, Leffler, and Wallace—8.

NAYS—Messrs. Bainbridge, Browne, Johnston, Springer, and President—5.

So the amendment was adopted.

The question being on concurring in the report of the committee, and striking out the 4th section,

Mr. Wallace called for the yeas and nays, which were as follows :

YEAS—Messrs. Bainbridge, Browne, Springer, Wallace and President—5.

NAYS—Messrs. Bailey, Coop, Greene, Hall, Hastings, Johnston, Kirkpatrick and Leffler—8.

So the report of the committee was not concurred in.

Mr. Bainbridge moved that the bill be indefinitely postponed, when

Mr. Browne called for the yeas and nays, which were as follows :

YEAS—Messrs. Bainbridge, Browne, Johnston, Springer, and President—5.

NAYS—Messrs. Bailey, Coop, Greene, Hastings, Kirkpatrick, Leffler and Wallace—7. Lost.

Mr. Bainbridge moved that it be laid upon the table until Monday, February 21st.

On which Mr. Coop called for the yeas and nays,



Which were as follows :

YEAS—Messrs. Bainbridge, Browne, Johnston, Springer, and President—5.

NAYS—Messrs. Bailey, Coop, Greene, Hall, Hastings, Kirkpatrick, Leffler and Wallace—8. Lost.

The question being on concurring in the report of committee in adding 6th section, it was,

On motion,

Agreed to.

The same being on concurring in the report of the committee in adding 5th section, it was not agreed to.

Mr. Bainbridge offered the following amendment :

Sec. . That hereafter, any debt heretofore or hereafter to be contracted shall not be coerced or collected by any law now in force in this Territory.

On which Mr. Kirkpatrick called for the yeas and nays,

Which were as follows :

YEAS—Messrs. Springer and President—2.

NAYS—Messrs. Bailey, Bainbridge, Browne, Coop, Greene, Hall, Hastings, Johnston, Kirkpatrick, Leffler, and Wallace—11.

So the amendment was not agreed to.

Mr. Johnston moved that the bill be laid upon the table until the 16th; Which was lost.

Mr. Hall moved that it be laid upon the table until to-morrow; Which was carried.

On motion by Mr. Springer,

No. 81, House of Representatives file, A bill for an act for the relief of the poor, and

No. 82, House of Representatives file, A bill for an act to authorize the establishment of poor houses,

Were taken from the table, and having been read a third time, were passed; titles agreed to.

Ordered, That the Secretary notify the House of Representatives accordingly.

No. 7, Council file, A bill to amend an act to organize, discipline and govern the militia of this Territory, was,

On motion by Mr. Hastings,

Taken from the table.

Mr. Greene moved that it be indefinitely postponed;

On which Mr Hastings called for the yeas and nays,

Which were as follows :

YEAS—Messrs. Bailey, Coop, Greene, Hall, Johnston, Kirkpatrick, and Leffler—7.

NAYS—Messrs. Bainbridge, Browne, Hastings, Springer, Wallace, and President—6.

So the bill was indefinitely postponed.

Mr. Greene, from the committee on engrossed bills, reported that said committee had examined

No. 126, Council file, A bill for the relocation of the Territorial road from Iowa City to Prairie du Chien.

No. 132, Council file, A bill relative to the Davenport Institute, and



No. 133, Council file, A bill relative to officers of the Legislative Assembly, and find the same to be correctly engrossed.

No. 126, Council file, A bill for the re-location of a Territorial road from Iowa City to Prairie du Chien,

Was read a third time and passed : title agreed to.

The vote deferring the reading of No. 132, Council file, and No. 133, Council file, until to-morrow, was reconsidered, and

On motion by Mr. Johnston,

The 13th rule was suspended, and

No. 132, Council file, A bill relative to the Davenport Institute,

Was read a third time and passed ; title agreed to. Also,

No. 133, Council file, A bill relative to officers of the Legislative Assembly, was read a third time.

The question being on its passage,

The yeas and nays were called for by Mr. Hastings,

And were as follows :

YEAS—Messrs. Bailey, Browne, Hall, Hastings, Johnston, Leffler, Springer, and President—8.

NAYS—Messrs. Bainbridge, Coop, Greene, Kirkpatrick, and Wallace—5.

So the bill was passed and title agreed to.

Ordered, That the Secretary notify the House of Representatives accordingly.

Mr. Kirkpatrick, from the committee on expenditures, reported a resolution in relation to the account of Morgan Reno.

Mr. Bailey offered an amendment to the resolution, by striking out \$76, and inserting \$60.

Which was lost.

On motion,

The resolution was adopted.

On motion,

The Council adjourned until 10 o'clock to-morrow morning.

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### **Tuesday Morning, Feb. 15, 1842.**

The Council met pursuant to adjournment.

Mr. Bainbridge moved to strike from the Journal the report and resolution relative to Chauncey Swan.

Mr. Hastings moved a call of the Council;

Which was had, when Messrs. Johnston and Leffler were found to be absent.

The absentees appearing,

On motion by Mr. Browne,



The further call of the Council was dispensed with.

By leave, the motion to strike from the Journal was withdrawn.

Mr. Springer, from the joint committee on enrollments, reported that said committee presented, on the 14th inst., to his Excellency the Governor, for his approval,

An act to amend an act concerning costs and fees, and

An act to amend an act entitled an act regulating criminal proceedings, passed Jan. 4, 1839.

Mr. Springer, from the same committee, reported that said committee had examined

An act to divorce John E. Ely from Minerva Ely, and

An act amendatory of act to regulate ferries, approved Dec. 20, 1838,

And find the same to be correctly enrolled.

Mr. Greene, from the committee on engrossed bills, reported that said committee had examined

No. 125, Council file, A bill for an act to amend an act relative to divorce, alimony, and for other purposes,

And find the same to be correctly engrossed.

Mr. Wallace from the committee on claims, to whom was referred the account of William Greene, reported

No. 136, Council file, Joint resolution for the pay of Wm. Greene,

And asked to be discharged from the further consideration of the subject.

Mr. Kirkpatrick, from the select committee to whom was referred a bill to provide for the observance of the Sabbath, made a report, of which

On motion by Mr. Hastings,

One hundred copies were ordered to be printed.

The following message from the House of Representatives, was received through Mr. Fales, Chief Clerk:

“ Mr. PRESIDENT—The House of Representatives insist on their amendment to the amendment of the Council to 5th section of

No. 95, House of Representatives file, A bill to provide for the expression of the opinion of the people upon the subject of the formation of a State Government.”

Mr. Johnston, in accordance with previous notice, had leave and introduced

No. 137, Council file, A bill to provide for the assessment and collection of taxes from the town of Zerahemla, in Lee county.

Which was read a first and second time.

On motion,

The 13th rule was suspended: the bill was read a third time and passed; title agreed to.

Ordered, That the Secretary notify the House of Representatives accordingly.

Mr. Wallace, from the committee on claims, to whom was referred the account of F. Reyno, offered the following:

*Resolved*, That F. Reyno be allowed the sum of two dollars for setting up stoves, and that the committee on expenditures be instructed to incorporate the same in the appropriation bill.

And asked to be discharged from the further consideration of the subject.

On motion,

The committee were discharged.



Mr. Wallace, from the same committee, to whom was referred the account of Walter Butler, offered the following :

*Resolved*, That Walter Butler be allowed the sum of eighteen dollars and fifty cents for receiving furniture of the Territory, furnishing and cutting wood, putting up stoves, furnishing axes, as per account rendered, and the committee on expenditures is authorized to include the same in the appropriation bill.

And asked to be discharged from the further consideration of the subject.

On motion,

The committee were discharged.

Mr. Johnston, in accordance with previous notice, had leave and introduced No. 138, Council file, A bill for an act to repeal an act to create the office of Superintendent of Public Instruction ;

Which was read a first time.

The question being on the bill being read a second time,

Mr. Hastings called for the yeas and nays,

Which were as follows :

YEAS—Messrs. Bainbridge, Browne, Coop, Hall, Johnston, Springer, and Wallace—7.

NAYS—Messrs. Bailey, Greene, Hastings, Leffler, and President—5.

So the bill was read a second time.

Mr. Johnston moved a call of the Council;

Which was had, when Mr. Kirkpatrick was found to be absent.

The absentee appearing,

On motion by Mr. Johnston,

The further call of the Council was dispensed with.

On motion by Mr. Springer,

The Council proceeded to a consideration of the same in committee of the whole, Mr. Coop being in the chair.

After some time spent therein, the same was reported back to the Council with several amendments.

The question being on concurring in the report of the committee,

The yeas and nays were called for by Mr. Hastings,

And were as follows :

YEAS—Messrs. Bainbridge, Browne, Hall, Johnston, Kirkpatrick, Springer, and Wallace—7.

NAYS—Messrs. Bailey, Coop, Greene, Hastings, Leffler, and President—6.

So the report of the committee was concurred in.

On motion,

The bill was ordered to be engrossed for a third reading to-morrow.

No 95, House of Representatives file, A bill to provide for the expression of the opinion of the people upon the subject of the formation of a State Government,

Came up in order, the House insisting on their amendment to the amendment of the Council to 5th section.

Mr. Bainbridge moved that the Council recede from its amendment,

When Mr. Wallace called for the yeas and nays on the same,

Which were as follows :

YEAS—Messrs. Bailey, Bainbridge, Greene, Hall, Hastings, Johnston, Springer, and President—8.



NAYS—Messrs. Browne, Coop, Kirkpatrick, Leffler and Wallace—5.

So the Council receded from its amendment.

On motion by Mr. Hastings,

No. 71, House of Representatives file, A bill for an act to amend an act subjecting real and personal estate to execution, was taken from the table.

Mr. Johnston offered the following amendment:

That nothing herein provided shall be so construed as in any manner whatever to interfere with, or affect private contracts or engagements, bona fide, and without fraud, previously formed.

Mr. Hastings offered the following amendment to the amendment:

Nothing in this act shall be so construed as to conflict with the provisions of the 2d article of the ordinance of 1787.

The question being on the adoption of the same,

Mr. Johnston called for the yeas and nays,

Which were as follows:

YEAS—Messrs. Bailey, Coop, Greene, Hall, Hastings, Kirkpatrick, and Leffler—7.

NAYS—Messrs. Bainbridge, Browne, Johnston, Springer, Wallace, and President—6.

So the amendment to the amendment was adopted.

Mr. Greene offered an amendment, by striking out all after the word "affected," and inserting "of the ordinance of 1787."

On which the yeas and nays were called for by Mr. Johnston,

And were as follows:

YEAS—Messrs. Bailey, Coop, Greene, Hastings, and Kirkpatrick—5.

NAYS—Messrs. Bainbridge, Browne, Hall, Johnston, Leffler, Springer, Wallace, and President—8.

So the amendment was lost.

The question being on the original amendment, as amended by Mr. Hastings,

Mr. Coop called for the yeas and nays, which were as follows:

YEAS—Messrs. Bainbridge, Browne, Hall, Johnston, Leffler, Springer, and President—7.

NAYS—Messrs. Bailey, Coop, Greene, Hastings, Kirkpatrick, and Wallace—6.

So the amendment was adopted.

Mr. Wallace moved to amend, by striking out all except the first and second sections.

Mr. Johnston moved to amend the amendment, by striking out all except the 1st, 2d, 4th and 5th sections;

On which Mr. Coop called for the yeas and nays,

Which were as follows:

YEAS—Messrs. Bainbridge, Browne, Hall, Johnston, Leffler, Springer and President—7.

NAYS—Messrs. Bailey, Coop, Greene, Hastings, Kirkpatrick, and Wallace—6.

The question recurring on the amendment of Mr. Wallace, as amended,

Mr. Coop called for the yeas and nays, which were as follows:

YEAS—Messrs. Bainbridge, Browne, Hall, Johnston, Springer, Wallace and President—7.



NAYS—Messrs. Bailey, Coop, Greene, Hastings, Kirkpatrick, and Leffler—6.

So the amendment was adopted, and the 3d section stricken out.

On motion by Mr. Johnston,

The 13th rule was suspended, and the bill read a third time and passed.

On motion,

The Council adjourned until 2 o'clock, P. M.

## TWO O'CLOCK, P. M.

The Council met pursuant to adjournment.

Mr. Springer, from the joint committee on enrollments, reported that said committee have examined

No. 61, Council file, An act to authorize the appointment of a county agent in and for the county of Johnson.

No. 117, Council file, An act to amend an act to prevent and punish gaming.

No. 32, Council file, Memorial to Congress for an appropriation to complete the National road from Dubuque to the southern boundary of the Territory, via Iowa City, &c., and

No. 122, Council file, A joint resolution relative to steamboat canal around Lower Rapids of Mississippi,

And find the same to be correctly enrolled.

On motion by Mr. Springer,

The vote with regard to the passage of

No. 66, House of Representatives file, Memorial to Congress for the establishment of a National Armory at Rock Island, and for other purposes,

Was re considered, and

On motion,

The memorial was passed.

On motion by Mr. Coop,

No. 22, Council file, A bill to amend the militia law,

Was taken from the table.

The question being on concurring in the amendments made in committee of the whole,

On motion,

The amendments were concurred in, and

On motion by Mr. Coop,

The bill was read a third time and passed; title agreed to.

No. 125, Council file, A bill for an act to amend an act relative to divorce, alimony, and for other purposes,

Being in order, was read a third time.

The question being on its passage, Mr. Kirkpatrick called for the yeas and nays.

Mr. Wallace moved a call of the Council;

Which was had, when Mr. Johnston was found to be absent.

The absentee appearing,

On motion,

The further call of the Council was dispensed with.

The yeas and nays were now called, and were as follows:



YEAS—Messrs. Browne, Coop, Greene, Hall, Hastings, Johnston, and Wallace—7.

NAYS—Messrs. Bailey, Bainbridge, Kirkpatrick, Leffler, Springer, and President—6.

So the bill was passed and title agreed to.

Ordered, That the Secretary notify the House of Representatives accordingly.

Mr. Browne introduced the claim of B. W. Gillock, for services rendered the Legislative Assembly, which

On motion,

Was referred to the committee on claims.

No. 118, House of Representatives file, A bill to re-locate and establish a Territorial road from Marion to Eades' Grove, being in order, was

On motion by Mr. Greene,

Laid upon the table, subject to the order of the Council.

No. 62, Council file, A bill to provide for the inspection of beef, pork and flour in this Territory, being in order,

Was read a third time and passed; title agreed to.

No. 131, House of Representatives file, A bill for an act to establish an Insurance Company in the city of Dubuque, being the order of the day,

On motion by Mr. Bainbridge,

The Council proceeded to a consideration of the same in committee of the whole, Mr. Coop being in the chair.

After some time spent therein the bill was reported back to the Council without amendment.

On motion,

The report of the committee was concurred in.

Mr. Hastings moved that the bill be referred to the committee on incorporations, with instructions to report to-morrow.

Which was lost.

Mr. Hastings moved an amendment by striking out all after the word "expedient," in line three of section 5, to word "and" in fifth line of same sec.,

And called for the yeas and nays on the same,

Which were as follows:

YEAS—Messrs. Bailey, Coop, Greene, Hastings, Johnston, Kirkpatrick and President—7.

NAYS—Messrs. Bainbridge, Browne, Hall, Leffler, Springer and Wallace—6.

So the amendment was adopted.

Mr. Greene offered the following amendment:

Sec. . That the stockholders of said company shall be personally liable for all contracts and obligations made and entered into by said institution.

Mr. Bainbridge moved that the bill be referred to a select committee:

Which was carried, and

Messrs. Bainbridge, Wallace and Greene were appointed said committee.

The following message from the House of Representatives was received through Mr. Fales, Chief Clerk:

"Mr. PRESIDENT—I herewith present for your signature, five enrolled bills, which have been signed by the Speaker of the House of Representatives."

Which were signed by the President.



Mr. Wallace, from the committee on claims, offered the following :

*Resolved*, That B. W. Gillick be allowed the sum of twenty-six dollars for thirteen days services as guard to Dixon, and the committee on expenditures are authorized to incorporate the same in the appropriation bill; which,

On motion by Mr. Johnston,

Was laid upon the table.

Mr. Wallace, from the same committee, to whom was referred

No. 91, House of Representatives file, A resolution authorizing the payment of money to James F. Hanby,

Reported the same with amendments, and asked to be discharged from the further consideration of the subject.

On motion,

The committee were discharged, and

On motion by Mr. Bailey,

The resolution was laid upon the table.

Mr. Johnston, from the committee on the judiciary to whom was referred

No. 107, Council file, A bill to authorize the payment of interest upon scrip certificates, and other evidence of indebtedness, issued in behalf of the public buildings,

Reported the same back to the Council without amendment, and ask to be discharged from the further consideration of the subject.

On motion,

The committee were discharged.

Mr. Springer moved to lay the bill upon the table until March 1st.;

When Mr. Hastings called for the yeas and nays,

Which were as follows :

YEAS—Messrs. Bailey, Bainbridge, Coop, Kirkpatrick, Springer and Wallace—6.

NAYS—Messrs. Browne, Greene, Hastings, Johnston, Leffler and President—6.

So the motion was lost.

Mr. Springer moved a call of the Council, which was had, when Mr. Hall was found to be absent.

On motion by Mr. Hastings,

The further call of the Council was dispensed with.

Mr. Springer moved the indefinite postponement of the bill ;

When Mr. Johnston called for the yeas and nays,

Which were as follows :

YEAS—Messrs. Bailey, Bainbridge, Coop, Hall, Johnston Kirkpatrick, Springer and Wallace—8.

NAYS—Messrs. Browne, Greene, Hastings, Leffler, and President—5.

So the bill was indefinitely postponed.

Mr. Springer moved that the vote to indefinitely postpone the bill, be reconsidered.

Which was lost.

No. 138, House of Representatives file, A bill for an act to establish the Des Moines Insurance Company in the city of Burlington,

Being in order, was,

On motion by Mr. Leffler,



Laid upon the table.

The following message from the House of Representatives was received through Mr. Fales, Chief Clerk :

“ Mr. PRESIDENT—The House of Representatives have passed—

No. 141, Council file, A bill to provide for the compensation of the members, officers and printers of the Legislative Assembly, and for other purposes.

In which the concurrence of the Council is requested.”

No. 134, House of Representatives file, A bill for an act to authorize Boards of Commissioners to appoint agents to dispose of real estate,

Was read a second time.

Mr. Johnston offered the following amendment :

That the said agent, before he enters upon the duties of his office, shall take an oath faithfully and impartially to perform the same ; and shall give a bond in such penal sum as the Board of county Commissioners may direct, to be approved by them, and which shall be filed with the Clerk of said Board ;

Which was adopted.

On motion by Mr. Hastings,

The 13th rule was suspended, the bill read a third time and passed ; title agreed to.

No. 135, House of Representatives file, A bill to re-locate a part of the road from Iowa City to Burlington,

Being in order, was read a second time, and

On motion by Mr. Springer,

Laid upon the table until to-morrow.

Mr. Bainbridge, from the select committee to whom was referred

No. 131, House of Representatives file, A bill for an act to establish an Insurance Company in the city of Dubuque,

Reported the same back to the Council with one amendment, and asked to be discharged from the further consideration of the subject.

On motion,

The committee were discharged.

Mr. Bailey, moved to take from the table

No. 28, Council file, A bill for an act to provide for the formation of a constitution and State Government of the Territory of Iowa ;

Which motion was lost.

The following message from the House of Representatives was received through Mr. Fales, Chief Clerk :

“ Mr. PRESIDENT—The House of Representatives have passed—

No. 80, Council file, A bill authorizing the reduction of the minimum price of the unsold lots in Iowa City, &c.

I herewith present for your signature four enrolled bills, which have been signed by the Speaker of the House of Representatives.”

Which were signed by the President.

On motion by Mr. Johnston,

No. 141, House of Representatives file, A bill to provide for the compensation of the members, officers and printers of the Legislative Assembly, and for other purposes,

Being in order, was read a first and second time.



Mr. Hastings moved that the bill be referred to a committee of the whole Council to-morrow morning,

And called for the yeas and nays on the same,

Which were as follows :

YEAS—Messrs. Bailey, Coop, Greene, Hastings, Johnston, Leffler and President—7.

NAYS—Messrs. Bainbridge, Browne, Hall, Kirkpatrick, Springer and Wallace—6.

So the motion was carried.

On motion,

The Council adjourned until 10 o'clock to-morrow morning.

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### Wednesday Morning, Feb. 16, 1842.

The Council met pursuant to adjournment.

The following message from the House of Representatives was received through Mr. Fales, Chief Clerk :

“Mr. PRESIDENT—The House of Representatives have passed—

No. 114, House of Representatives file, A memorial to Congress relative to the contiguous section to Iowa City.

No. 139, House of Representatives file, A bill to re-locate that portion of the Territorial road leading from Fairfield in Jefferson county, to Wapello, in Louisa county, that lies between Checauque river and Jefferson in Henry county.

No. 145, House of Representatives file, A bill to divorce Clarissa Welch from her husband, Samuel C. Welch.

No. 146, House of Representatives file, A bill to re-locate a part of a Territorial road in Washington county.

No. 147, House of Representatives file, A bill for an act to change the name of certain towns and rivers.

No. 148, House of Representatives file, A bill to change the name of the town of Vandenburg to De Witt.

No. 149, House of Representatives file, A bill to divorce Rebecca Fisher from her husband John Fisher.

The House have passed, with amendments,

No. 115, Council file, A bill supplementary to an act regulating criminal proceedings.

The House have disagreed to all the amendments made by Council to No.'s 71 and 85, House of Representatives file.”

Mr. Springer had leave and introduced

No. 139, Council file, A bill to re-locate a part of a Territorial road in Louisa county,



Which was read a first and second time.

On motion,

The 13th rule was suspended, the bill was read a third time and passed ; title agreed to.

Mr. Kirkpatrick, from the select committee to whom was referred

No. 115, House of Representatives file, A bill for an act to authorize Jas. Leonard to establish and keep a ferry across the Mississippi river, at the town of Charleston, in Jackson county,

Reported the same back to the Council without amendment, and asked to be discharged from the further consideration of the subject.

On motion,

The committee were discharged.

The 13th rule having been suspended,

On motion by Mr. Kirkpatrick,

The bill was read a third third time.

The question being on its passage,

The yeas and nays were called for by Mr. Coop,

And were as follows :

YEAS—Messrs. Bailey, Bainbridge, Browne, Greene, Hall, Johnston, Kirkpatrick, Springer and Wallace—9.

NAYS—Messrs. Coop, Hastings, Leffler and President—4.

So the bill was passed and title agreed to.

No. 115, Council file, A bill supplemental to an act regulating criminal proceedings,

Came up as amended by the House of Representatives.

On motion,

The amendments made by the House were concurred in.

Mr. Wallace had leave and introduced

No. 140, Council file, Joint resolution in relation to the claims of James G. Edwards, and others,

Which was read a first and second time.

Mr. Bainbridge moved its indefinite postponement,

When Mr. Wallace called for the yeas and nays,

Which were as follows :

YEAS—Messrs. Bainbridge, Greene, Hastings, Johnston, Kirkpatrick, Leffler and President—7.

NAYS—Messrs. Bailey, Browne, Coop, Hall, Springer and Wallace—6.

So the resolution was indefinitely postponed.

Mr. Johnston had leave and introduced

No. 141, Council file, A bill for an act to amend an act entitled an act to provide for the erection of a penitentiary, &c, approved January 15th, 1841,

Which was read a first and second time, and

On motion,

The 13th rule was suspended, and the bill read a third time.

Mr. Hastings moved that the bill be referred to a select committee ;

Which was lost.

The question being on its passage,

The yeas and nays were demanded by Mr. Parker, and were as follows:

YEAS—Messrs. Browne, Coop, Greene, Hastings, Johnston, Kirkpatrick, Leffler, Springer and President—9.



NAYS—Messrs. Bailey, Bainbridge, Hall and Wallace—4.

So the bill was passed and its title agreed to.

No. 71, House of Representatives file, A bill for an act to amend an act subjecting real and personal estate to execution,

Came up, the House disagreeing to all the amendments made by the Council to the same.

Mr. Bainbridge moved, that the Council insist on its amendments,  
When Mr. Johnston called for the yeas and nays,

Which were as follows :

YEAS—Messrs. Bainbridge, Browne, Hall, Johnston, Leffler, Springer, Wallace, and President—8.

NAYS—Messrs. Bailey, Coop, Greene, Hastings, and Kirkpatrick—5.

So the motion was carried.

No. 131, House of Representatives file, A bill for an act to incorporate an Insurance Company at the city of Dubuque,

Came up as amended by the select committee to whom it was referred.

The question was taken on Mr. Greene's amendment, and the amendment adopted.

On motion,

The amendments made by the committee were concurred in.

Mr. Bailey, offered the following as a substitute for the last section :

"That any subsequent Legislature may amend or repeal this act."

The question being on its adoption,

Mr. Hastings called for the yeas and nays,

Which were as follows :

YEAS—Messrs. Bailey, Coop, Greene, Hastings, Johnston, Kirkpatrick, and Leffler—7.

NAYS—Messrs. Bainbridge, Browne, Hall, Springer, Wallace and President—6.

So the amendment was adopted.

On motion by Mr. Bainbridge,

The 13th rule was suspended, and the bill read a third time.

The question being on its passage,

The yeas and nays were called for by Mr. Hastings,

And were as follows :

YEAS—Messrs. Bainbridge, Browne, Hall, Leffler, Springer, Wallace and President—7.

NAYS—Messrs. Bailey, Coop, Greene, Hastings, Johnston, and Kirkpatrick—6.

So the bill was passed.

Mr. Hastings moved to amend the title by adding "with the privilege of loaning paper money ;"

Which was lost, and

On motion,

The original title was agreed to.

On motion by Mr. Leffler,

No. 138, House of Representatives file, A bill to establish the Des Moines Insurance Company in the city of Burlington,

Was taken from the table, and

On motion by the same gentleman,



Laid upon the table till December 6, 1842.

The following message from the House of Representatives was received through Mr. Fales, Chief Clerk :

“Mr. PRESIDENT—I herewith present for your signature five enrolled bills which have been signed by the Speaker of the House of Representatives.”

Which were signed by the President.

Mr. Springer, from the joint committee on enrollments, reported that said committee presented, on the 15th inst., to his Excellency the Governor, for his approval,

An act to authorize David G. Bates and John Forbes to establish and keep a ferry across the Mississippi river, in Jackson county.

A resolution requesting our Delegate to procure a survey of certain Islands in the Mississippi river.

An act relative to the survey of the town of Marion, and

An act to revive and amend an act to incorporate the Bloomington Insurance Company, approved, January 13th, 1840.

No. 141, House of Representatives file, An act to provide for the compensation of members, officers and printers of the Legislative Assembly, and for other purposes,

Being the order of the day,

On motion,

The Council proceeded to a consideration of the same in committee of the whole, Mr. Greene being in the chair.

After some time spent therein,

On motion by Mr. Johnston,

The committee rose, reported progress, and asked leave to sit again.

On motion,

The report of the committee was concurred in, and the committee had leave to sit again at 2 o'clock P. M.

On motion,

The Council adjourned until 2 o'clock, P. M.

## TWO O'CLOCK, P. M.

The Council met pursuant to adjournment.

The following message from the House of Representatives, was received through Mr. Fales, Chief Clerk :

“Mr. PRESIDENT—The House of Representatives have passed—

No. 92, House of Representatives file, A bill amendatory of an act to organize, discipline and govern the militia, &c.

No. 127, Council file, A bill to divorce James V. Hill from his wife, Eliza Hill.

The House have indefinitely postponed

No. 105, Council file, A bill for an act to provide for the appointment of Masters in Chancery, &c.

No. 116, Council file, A bill amending an act regulating practice in the District Courts.”

Mr. Springer, from the joint committee on enrollments, reported that said committee presented, on the 16th inst., to his Excellency, the Governor, for his approval,



An act to authorize John R. Sloan to keep a ferry across the Mississippi river.

An act to authorize Samuel Wells to build a dam across Skunk river.

An act to amend an act establishing the Court of Probate.

An act making the Clerk of the Board of county Commissioners elective by the people.

An act to provide for levying a tax on real and personal property for road purposes.

An act to divorce John E. Ely from Minerva Ely.

An act to divorce Seth Baker from Sally Baker.

An act relative to the navigation of the Maquoqueta river.

An act to locate and establish a Territorial road from Crawfordsville, in Washington county, to Smith's mills, in Henry county.

An act repealing a portion of an act to locate and establish a Territorial road from the town of Dubuque to Camp Atkinson, approved Jan. 13, 1841.

An act to authorize Joseph Stevens to build a dam across Skunk river.

An act to provide for the expression of the opinion of the people of the Territory of Iowa, upon the subject of the formation of a State constitution and government, and to enable them to form a constitution for the State of Iowa.

An act to vacate the survey and plat of a part of the town of Toolesborough, in Louisa county.

An act for the relief of the poor.

An act to locate a road from Fairfield to the Forks of Skunk river.

An act to authorize the appointment of a county Agent, in and for the county of Johnson.

An act to amend an act entitled an act to prevent and punish gaming.

An act to re-locate a Territorial road in Clayton county.

An act amendatory of an act to regulate ferries, approved Dec. 20, 1838.

A joint resolution relative to steam boat canal around Lower Rapids of the Mississippi.

A memorial to Congress for an appropriation to complete the National road from Dubuque to the southern boundary of this Territory, via, Iowa City.

Mr. Johnston had leave and introduced

No. 142, Council file, Joint resolution relative to the printing of the laws of the present session,

Which was read a first and second time.

The Council resumed its sitting as a committee of the whole on

No. 141, House of Representative file, An act to provide for the compensation of members, officers and printers of the Legislative Assembly, and for other purposes, Mr. Greene being in the chair.

After some time spent in its consideration, the same was reported back to the Council with several amendments.

The question being on concurring in the 1st amendment made by the committee in section 5,

Mr. Springer called for the yeas and nays,

Which were as follows :

YEAS—Messrs. Bailey, Bainbridge, Coop, Greene, Hall, Kirkpatrick, Leffler and Wallace—8.

NAYS—Messrs. Browne, Hastings, Johnston, Springer and President—5.



So the amendment was concurred in.

Mr. Springer offered the following amendment to 16th section :

"Provided that the Secretary of the Territory, before paying the said sum, shall be satisfied that the printing, aforesaid, is worth the said sum at a rate not exceeding fifteen per centum above Congress prices for similar work."

On which Mr. Johnston called for the yeas and nays,

Which were as follows :

YEAS—Messrs. Bainbridge, Browne, Hall, Springer and Wallace—5.

NAYS—Messrs. Bailey, Coop, Greene, Hastings, Johnston, Kirkpatrick, Leffler, and President—8.

So the amendment was not agreed to.

Mr. Bainbridge offered the following amendment :

"Provided that the Secretary of the Territory, before paying the said sum, shall be satisfied that the printing, aforesaid, is worth the said sum at a rate not exceeding twenty per centum above Congress price for similar work,"

And called for the yeas and nays on the same, which were as follows :

YEAS—Messrs. Bainbridge, Browne, Hall, Springer and Wallace—5.

NAYS—Messrs. Bailey, Coop, Greene, Hastings, Johnston, Kirkpatrick, Leffler and President—8.

So the amendment was not adopted.

Mr. Springer offered the following amendment :

"Provided that N. Jackson shall satisfy the Secretary of the Territory before paying the said sum, that the printing, aforesaid, is worth the said sum at a rate not exceeding fifty per centum above Congress prices for similar work."

On which Mr. Bainbridge called for the yeas and nays,

Which were as follows :

YEAS—Messrs. Bainbridge, Browne, Hall, Springer and Wallace—5.

NAYS—Messrs. Bailey, Coop, Greene, Hastings, Johnston, Kirkpatrick, Leffler and President—8.

So the amendment was not adopted.

Mr. Springer offered the followine amendment :

"Provided that James Clarke shall satisfy the Secretary of the Territory, before paying the said sum, that the printing aforesaid, is worth the said sum at a rate not exceeding fifty per centum above Congress prices for similar work."

On which Mr. Johnston called for the yeas and nays,

Which were as follows :

YEAS—Messrs. Bainbridge, Browne, Hall, Springer and Wallace—5.

NAYS—Messrs. Bailey, Coop, Greene, Hastings, Johnston, Kirkpatrick, Leffler and President—8.

So the amendment was not agreed to.

The question being on concurring in the amendments made by the committee ;

Mr. Johnston called for the yeas and nays,

Which were as follows :

YEAS---Messrs. Bailey, Coop, Greene, Hastings, Johnston, Leffler and President---7.

NAYS---Messrs. Bainbridge, Browne, Hall, Kirkpatrick, Springer and Wallace---6.



So the amendment of the committee was agreed to.

The question being on concurring in the amendment made by the committee in 17th section ;

Mr. Bailey moved to strike out \$500, and insert \$350.

Which was agreed to.

The question being on concurring in the amendment made by committee in 19th section,

Mr. Hastings called for the yeas and nays,

Which were as follows :

YEAS—Messrs. Bailey, Coop, Greene, Hastings, Johnston, Leffler and President—7.

NAYS—Messrs. Bainbridge, Browne, Hall, Kirkpatrick, Springer and Wallace—6.

So the amendment made by committee was concurred in.

The question being on concurring in the amendment made in section 20,

Mr. Bailey moved to disagree therewith,

And called for the yeas and nays on the same,

Which were as follows :

YEAS—Messrs. Bainbridge, Greene, Hall, Hastings, Johnston, Kirkpatrick, Leffler, and President—8.

NAYS—Messrs. Bailey, Browne, Coop, Springer, and Wallace—5.

So the amendment was agreed to.

On motion,

The amendments made in section 21 were agreed to.

The question being on concurring in the amendments made by committee in section 22,

Mr. Springer called for the yeas and nays,

Which were as follows :

YEAS—Messrs. Bainbridge, Greene, Hall, Hastings, Johnston, Kirkpatrick, Leffler, and President—8.

NAYS—Messrs. Bailey, Browne, Coop, Springer, and Wallace—5.

So the amendment was concurred in.

On motion,

The amendments made by committee in sec. 25 were agreed to.

The question being on concurring in amendment made by committee in section 33,

Mr. Hastings called for the yeas and nays,

Which were as follows :

YEAS—Messrs. Coop, Hastings, Johnston, and Kirkpatrick—4.

NAYS—Messrs. Bailey, Bainbridge, Browne, Greene, Hall, Leffler, Springer, Wallace, and President—9.

So the amendment was not adopted.

On motion,

The amendment made by committee in sec. 34 was agreed to.

The question being on concurring in the amendments made by committee in section 35,

Mr. Wallace called for the yeas and nays,

Which were as follows :

YEAS—Messrs. Coop, Greene, Hastings, Kirkpatrick, Leffler, and Wallace—6.



NAYS—Messrs. Bailey, Bainbridge, Browne, Hall, Johnston, Springer, and President—7.

So the amendments were not concurred in.

On motion,

The amendments made in sec. 36 were concurred in.

The question being on concurring in the amendment made by committee in sec. 37,

Mr. Coop called for the yeas and nays on the same,

Which were as follows :

YEAS—Messrs. Browne, Greene, Hall, Johnston, Kirkpatrick, Leffler, Springer, Wallace, and President—9.

NAYS—Messrs. Bailey, Bainbridge, Coop, and Hastings—4.

So the amendment was adopted.

On motion,

The amendments made in sections 39, 40, 41, 42, and 43. were concurred in.

Mr. Leffler offered the following amendment, being an addition to sec. 5:

“ Provided that Daniel Chance shall receive the sum of ninety dollars, out of the allowance hereby made to fireman of the Council, and Samuel Wilson the sum of one hundred and thirty-five dollars, the ballance of said allowance ;”

On which Mr. Wallace called for the yeas and nays,

Which were as follows,

YEAS—Messrs. Bailey, Coop, Greene, Hastings, Johnston, Leffler, and President—7.

NAYS—Messrs. Bainbridge Browne, Hall, Kirkpatrick, Springer and Wallace—6.

So the amendment was adopted.

Mr. Greene offered the following :

Sec. 44. To Edward J. Darken, for preparing abstracts of Council Journals during the present session, \$75;

On which the yeas and nays were called for by Mr. Wallace,

And were as follows:

YEAS—Messrs. Bainbridge, Coop, Greene, Hall, Johnston, Kirkpatrick, and Leffler—7.

NAYS—Messrs. Bailey, Browne, Hastings, Springer, Wallace and President—6.

So the amendment was adopted.

Mr. Bainbridge offered the following:

Sec. 45. To Rev. Samuel Mazzuchelli, for rent of room to store the furniture of the Legislature and Council, for 12 months, as per contract with the former secretary, sixty dollars;

On which the yeas and nays were called for by Mr. Wallace,

And were as follows:

YEAS---Messrs. Bailey, Bainbridge, Coop, Greene, Hall, Hastings, Johnston, Leffler, Springer, and President---10.

NAYS---Messrs. Browne, Kirkpatrick, and Wallace---3.

So the amendment was adopted.

Mr. Kirkpatrick offered the following:



*P. 241 follows 256 (Dup. page)*  
Sec. . To N. Jackson, for extra papers furnished for the Council, the sum of one hundred dollars ;

And called for the yeas and nays on the same,

Which were as follows :

YEAS---Messrs. Bainbridge, Coop, Greene, Hastings, Johnston, and Kirkpatrick---6.

NAYS---Messrs. Bailey, Browne, Hall, Leffler, Springer, Wallace, and President---7.

So the amendment was not adopted.

Mr. Hastings offered the following:

Sec. . To Theodore S. Parvin, for services as private secretary to Gov. Lucas, in 1838 -39, and for superintending the library, \$400 00;

And called for the yeas and nays on the same,

Which were as follows:

YEAS --Messrs. Greene, Hastings, and President---3.

NAYS---Messrs. Bailey, Bainbridge, Browne, Coop, Hall, Johnston, Kirkpatrick, Leffler, Springer, and Wallace---10.

So the amendment was not agreed to.

Mr. Hastings offered the following:

Sec. . To Wm. Abby, for money paid for cutting wood, 25 00;

Which was not adopted.

On motion by Mr. Johnston,

The 13th rule was suspended: the bill was read a third time and passed ; title agreed to.

The following message from the House of Representatives was received through Mr. Fales, Chief Clerk:

“ Mr. PRESIDENT---The House of Representatives insist upon their disagreement to the amendment of Council to

No. 71, House of Representatives file, A bill to amend an act subjecting real and personal estate to execution,

And request a conference in relation thereto, and have appointed Messrs. Baker, Biggs, and Porter on the part of the House.

The House have passed

No. 128, Council file, A bill relative to the survey of the town of Salem, in Muscatine county.

No. 130, Council file, A bill for the relief of James Davis, former Sheriff of Muscatine county.

Also, with amendments,

No. 83, Council file, A bill to incorporate the Cedar Rapids Manufacturing Company.

No. 86, Council file, A bill for an act to amend an act to provide for the appointment of Justices of the Peace, to prescribe their powers and duties,

In which the concurrence of the Council is requested.

I herewith present for your signature three enrolled bills, which have been signed by the Speaker of the House of Representatives.”

Which were signed by the President.

The following message from the House of Representatives was received through Mr. Fales, Chief Clerk :

Mr. PRESIDENT---The House of Representatives have passed



Feb. 17.]

THE COUNCIL.

249

*From 249 to 256 inclusive are duplicate pages*

Which were as follows :

YEAS---Messrs. Bailey, Bainbridge, Browne, Coop, Hall, Leffler, Springer and Wallace---8.

NAYS---Messrs. Greene, Hastings, Johnston, Kirkpatrick and President---5.

So the joint resolution was read a second time.

Mr. Bainbridge moved an amendment by striking out "Keosauqua," and inserting "Dubuque ;"

Which was lost.

Mr. Hastings moved to strike out "Keosauqua," and insert "Bellevue ;"

Which was lost.

On motion by Mr. Johnston,

The 13th rule was suspended and the joint resolution read a third time.

The question being on its passage,

Mr. Hastings called for the yeas and nays, which were as follows :

YEAS---Messrs. Hall and Wallace---2.

NAYS---Messrs. Bailey, Bainbridge, Browne, Coop, Greene, Hastings, Johnston, Kirkpatrick, Leffler, Springer and President---11.

So the joint resolution was lost.

On motion,

The Council adjourned until two o'clock P. M.

TWO O'CLOCK, P. M.

The Council met pursuant to adjournment.

The following message from the House of Representatives, was received through Mr. Fales, Chief Clerk :

"Mr. PRESIDENT---The House of Representatives have passed---

No. 82, Council file, An act to repeal an act to regulate the mode of petitioning the Legislative Assembly, &c.

No. 138, Council file, An act to repeal an act to create the office of superintendent of public instruction.

No. 149, Council file, A bill supplemental to an act relative to incorporated religious societies.

Also, with amendments

No. 49, Council file, A bill to provide for the keeping of stallions and jacks.

In which the concurrence of the Council is requested.

I herewith present for your signature six enrolled bills which have been signed by the Speaker of the House of Representatives."

Mr. Bailey had leave and introduced

No. 151, Council file, A joint resolution relative to the compensation of Gilbert and Ruggles, &c.,

Which was read a first and second times, and

On motion,

The 13th rule was suspended, and said resolution was read a third time,

And the question being on its passage,

Mr. Bainbridge called the yeas and nays,

Which were as follows :

YEAS---Messrs. Bailey, Hastings, Kirkpatrick, Leffler, Springer, Wallace and President---7.



NAYS--Messrs. Bainbridge and Browne--2.

So said resolution was passed and title agreed to.

Ordered that the Secretary inform the House of Representatives accordingly.

Mr. Springer, from the joint committee on enrollments, presented, on the 17th inst., to the Governor for his approval,

An act to incorporate the city of Keosauqua.

An act to divorce James V. Hill, of Linn county, from his wife Eliza Hill.

An act supplemental to an act regulating criminal proceedings.

An act authoring the reduction of the minimum price of the unsold lots in Iowa City, and for their sale for work and materials, and for other purposes.

An act to authorize the establishment of poor houses.

A resolution for the relief of John Lorton.

An act to locate and establish a Territorial road from Charles Neally's, in Muscatine county, to Iowa City, in Johnson county.

Memorial to Congress for the establishment of a National Armory at Rock Island, and for other purposes.

An act to authorize James Leonard to establish and keep a ferry across the Mississippi river, at the town of Charleston, in Jackson county.

An act to provide for receiving the proportion of moneys to which Iowa will be entitled under the distribution law.

An act to authorize Boards of Commissioners to appoint agents to dispose of real estate.

A resolution for the relief of Walter Butler.

An act for the organization of townships.

On motion,

The Council resolved itself into Executive session.

After some time spent therein, the Council resumed its regular session.

On motion,

The Council took a recess of one hour.

The Council resumed its session.

The following message from the House of Representatives was received through Mr. Fales, Chief Clerk:

"Mr. PRESIDENT—I herewith present for your signature twenty-four enrolled bills, which have been signed by the Speaker of the House of Representatives.

They have passed Nos. 148, and 151, Council file.

They have receded from their disagreements to

No. 71, House of Representatives file, A bill for an act to amend an act subjecting real and personal estate to execution."

Mr. Hastings had leave and introduced

No. 152, Council file, A joint resolution relative to compensating Samuel Wilson,

Which was read a first and second times, and

On motion,

The 13th rule was suspended and said resolution was read a third time,

And the question being on its passage,

Mr. Browne called the yeas and nays,

Which were as follows:

YEAS--Messrs. Hastings and Wallace--2.



NAYS—Messrs. Bailey, Bainbridge, Browne, Leffler, Springer, and President—6.

So said resolution was lost.

On motion by Mr. Springer,

The Council appointed Messrs. Springer and Bainbridge a committee on the part of the Council, to act in conjunction with a similar committee on the part of the House of Representatives, to wait upon his Excellency, and inform him that both branches of the Legislative Assembly are prepared to adjourn, *sine die*, unless he has some further communication to make to them.

On motion by Mr. Bainbridge,

The Council appointed Messrs. Bainbridge and Leffler a committee to wait upon the House of Representatives, and inform them that the Council has no further business before them, and that they are ready to adjourn *sine die*.

On motion,

The Council took a recess until 7 o'clock P. M.

#### SEVEN O'CLOCK P. M.

The Council resumed its session.

Mr. Springer, from the joint committee on enrollments, reported that said committee presented, on the 17th inst., to the Governor for his approval,

A memorial to Congress for an appropriation to improve the Rapids in the Mississippi river.

An act amendatory of an act to organize, discipline and govern the militia.

An act to re-locate a part of a Territorial road in Washington county.

An act to divorce Rebecca Fisher from her husband, John Fisher.

An act to incorporate an Insurance Company at the town of Farmington, in Van Buren county.

A memorial for a new land district.

A memorial for a new land district.

A memorial for a new land district.

An act to re-locate that portion of the Territorial road leading from Fairfield, in Jefferson county, to Wapello, in Louisa county, that lies between Checauque river and Jefferson, in Henry county.

Memorial to Congress relative to the contiguous sections of land to Iowa City.

A memorial to Congress for the benefit of agriculture.

A memorial for a new land district.

An act to provide for compensation of members, officers and printers of the Legislative Assembly, and for other purposes.

An act to change the name of the town of Vandenburg, in Clinton county, to that of "De Witt."

An act to divorce Clarissa Welsh from her husband, Samuel C. Welsh.

An act to amend an act subjecting real and personal estate to execution.

A resolution authorizing the payment of money to James F. Hanby.

An act to amend the militia law.

An act supplementary to an act regulating marriages, approved, January 6, 1840.

An act relative to the Davenport Institute.

An act for the relief of James Davis, former Sheriff of Muscatine county.



An act relative to the survey of the town of Salem, in Muscatine county.

An act to provide for the assessment and collection of taxes from the town of Zerahemla, in Lee county.

An act relative to officers of the Legislative Assembly.

A memorial to Congress praying an appropriation for the compensation of James M. Morgan.

An act to incorporate the town of Fort Madison.

An act for the re-location of a part of the Territorial road from Iowa City to Prairie du Chien.

An act to re-locate a part of a Territorial road in Louisa county.

An act to change the name of Rising Sun to Pittsburgh.

An act to re-locate a part of the Territorial road from Iowa City to Burlington.

An act to incorporate the Mount Pleasant Literary Institute.

An act to establish an Insurance Company in the city of Dubuque.

A memorial to Congress for the benefit of agriculture.

An act supplemental to an act relative to incorporated religious societies.

An act to review a part of the Territorial road from Moscow, via, Rochester, to Marion, in Linn county.

An act to repeal an act to regulate the mode of petitioning the Legislature in certain cases.

Joint resolution relative to the printing of the laws of the present session.

An act to amend an act relative to divorce, alimony, and for other purposes.

An act supplementary to an act providing for the appointment of a Superintendent of public buildings, at Iowa City, and the appointment of a Territorial Agent, and for other purposes.

An act to provide for the keeping of stallions and jacks.

An act to repeal an act to create the office of Superintendent of public instruction.

A joint resolution relative to compensating Gilbert & Ruggles.

A joint resolution authorizing payment of money to the Secretary of the Territory.

A memorial for the establishment of a Land Office at Fairfield in Jefferson county.

An act to incorporate the Cedar Rapids Manufacturing Company.

Mr. Springer had leave and introduced

No. 153, Council file, A joint resolution authorizing payment of money to the Secretary of the Territory,

Which was read a first and second times, and

On motion,

The 13th rule was suspended: said resolution was read a third time and passed.

Ordered, That the Secretary notify the House of Representatives accordingly.

The following message from the House of Representatives was received through Mr. Fales, Chief Clerk:

"Mr. PRESIDENT—The House of Representatives have passed—

Joint resolution authorizing the payment of money to O. H. W. Stull, Secretary of Territory.

The House have appointed Messrs. Morgan and Robertson as a committee



on the part of the House, to act in conjunction with a similar committee to be appointed on the part of the Council, to wait on his Excellency, the Governor, and inform him that the two Houses are now ready to adjourn if he has no further communications to make to them.

I herewith present for your signature twelve enrolled bills and joint resolutions, which have been signed by the Speaker of the House of Representatives."

Which were signed by the President.

Mr. Springer from the joint committee on enrollments, reported as correctly enrolled

No. 153, Council file, A joint resolution authorizing payment of money to the Secretary of the Territory.

No. 30, Council file, Memorial for the establishment of a land office at Fairfield, in Jefferson county.

No. 83, Council file, A bill to incorporate the Cedar Rapids Manufacturing Company.

No. 151, Council file, A joint resolution relative to compensating Gilbert & Ruggles, &c.

No. 138, Council file, A bill for an act to repeal an act to create the office of Superintendent of Public Instruction,

No. 49, Council file, A bill to provide for the keeping of stallions and jacks.

No. 3, Council file, A bill supplementary to an act providing for the appointment of a Superintendant of Public Buildings at Iowa City, and the appointment of a Territorial Agent, and for other purposes.

No. 142, Council file, Joint resolution relative to the printing of the laws of the present session.

No. 82, Council file, An act to repeal an act to regulate petitioning the Legislature in certain cases.

No. 125, Council file, A bill for an act to amend an act relative to divorce, alimony, and for other purposes.

No. 148, Council file, A bill to review a part of the Territorial road from Moscow, via Rochester, to Marion, in Linn county.

A committee from the House of Representatives waited upon the Council to inform them that there is no business before the House, and that the House is ready to adjourn, *sine die*.

Mr. Bainbridge, from the committee appointed to wait upon the House of Representatives, reported that they had performed that duty.

On motion,

The Council adjourned until 7 o'clock to-morrow morning.



**Friday Morning, Feb. 18, 1842.**

The Council met pursuant to adjournment.

The following message from the House of Representatives was received through Mr. Fales, Chief Clerk:

“Mr. PRESIDENT—I herewith present for your signature, two enrolled bills, which have been signed by the Speaker of the House of Representatives”

Which were signed by the President.

On motion by Mr. Browne,

The resolution in relation to Mr. Swan was taken from the table, and

On motion,

Said resolution was rejected.

Mr. Springer, from the joint committee to wait upon the Governor, reported that they had discharged that duty, and that the Governor informed them that he had no further communication to make.

On motion by Mr. Hall,

The nomination of John E. Ely was confirmed.

Mr. Springer, from the joint committee on enrollments, reported that said committee had examined

No. 135, Council file, An act to amend an act to incorporate the town of Bloomington; Also,

No. 27. Council file, A memorial to Congress for the establishment of a land office at Marion, in Linn county,

And find them correctly enrolled, and that they had presented the same to the Governor for his approval.

And there being no further business before the Council,

On motion,

The Council adjourned *sine die*.



*Duplicate pages from  
249 to 256.*

## APPENDIX.

*See Appendix 8 pages back.*

### REPORT

OF THE TERRITORIAL AGENT TO THE LEGISLATURE OF IOWA TERRITORY.

OFFICE OF THE TERRITORIAL AGENT, }  
Iowa City, December 12, 1841. }

*To the Honorable Legislative Assembly:*

GENTLEMEN—In compliance with the requirements of law, I herewith submit my Annual Report:

On entering upon the duties entrusted to my charge, I made a demand upon the former Acting Commissioner of Public Buildings for the delivery to me of all public moneys, papers, records, and property in his possession, as contemplated by the provisions of the 16th section of "An act providing for the appointment of a Superintendent of Public Buildings at Iowa City, and the appointment of a Territorial Agent, and for other purposes."

On this requisition I received from him notes payable to the Acting Commissioner, or his successor in office, and given in payment for lots in Iowa City, amounting to

\$20,627 36

With credits endorsed on the same, amounting to

2,344 61

Leaving

\$18,282 75

The receipts since the 15th of January, 1841, up to the 1st inst., are as follows, to wit:

On notes given in payment for lots sold by former

Acting Commissioner on Public Building, \$8,687 42½

Interest collected on same,

142 51

Total amount of receipts from notes,

\$8,829 93½

Receipts from sales of lots sold by Territorial Agent

since the 10th of May, (being the date of the public sale of lots,)

4,206 16

Proceeds of loans negotiated with the Miners' Bank

of Dubuque, under the provisions of "An act au-



Authorizing a loan of money to be expended upon the Capitol," negotiated on the 28th of June last,	5,000 00
Proceeds of further loan negotiated with said bank, on the 30th of September last,	500 00
Amount deducted from pay-rolls on account of black-smithing,	34 49
Total amount of Receipts for the year, ending on 1st inst.,	\$18,570 59

## EXPENDITURES.

The expenditures on the Capitol for the year ending the 1st of the present month were as follows, to wit:

For the month of January,	\$ 52 00
February,	151 50
March,	1,260 60
April,	2,807 30 $\frac{1}{2}$
May,	4,135 35 1-2
June,	4,869 86
July,	3,445 40 1-2
August,	3,219 86
September,	1,909 64
October,	438 68
November,	665 98 1-3

Total amount of expenditures for year ending 1st inst ,	\$22,956 19 $\frac{1}{4}$
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Showing an excess of expenditures for the year, over and above the amount received by me, of	\$4,285 60
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The item in the above exhibit designated an excess of expenditures over and above the receipts by me, has been discharged by the issuing of certificates of indebtedness to the laborers and other creditors of the Territory on account of the capitol, payable to bearer, and receivable in payment of any debts due the office.

Upon commencing the work upon the capitol the past spring, the only means in my hands for its prosecution were the notes on hand given in payment for lots in Iowa City, amounting to \$18,282 75. I found that it would be impossible to render these notes available by the collection of money to an extent that would enable the Superintendent of the capitol to continue the work.

In order to obviate these difficulties as far as practicable, and to render the means in my hands available to as useful an extent as possible, to enable the Superintendent to proceed with the work efficiently, I adopted the plan of issuing certificates of indebtedness to the laborers and others on account of the capitol, which certificates specified that the same would be receivable in payment of any debts due the office.

The plan adopted, I was gratified to find, under the circumstances, answered a valuable purpose, both to the public service, and the numerous individuals indebted to the Territory for city lots. A large proportion of the property holders of Iowa City and vicinity being indebted to the Territory for lots previously purchased, these certificates are readily received in payment in all ordinary business transactions in the city, and gradually find their way back into the office, either in payment of notes previously given, or in pay-



No. 126, Council file, A bill for the re-location of a part of the Territorial road from Iowa City to Prairie du Chien.

No. 132, Council file, A bill relative to the Davenport Institute, with amendments.

No. 133, Council file, A bill relative the officers of the Legislative Assembly.

No. 134, Council file, A memorial to Congress for the relief of James M. Morgan.

No. 137, Council file, A bill for an act to provide for the assessment and collection of taxes from the town of Zerahemla, in Lee county.

No. 139, A bill to re-locate a part of a Territorial road in Louisa county."

No. 92, House of Representatives file, A bill amendatory of an act entitled, an act to organize, discipline and govern the militia of this Territory, approved July 31, 1840; and further amendatory of an act entitled an act to organize, discipline and govern the militia of this Territory, approved Jan. 4, 1839,

Was read a first and second time.

Mr. Coop moved that the bill be laid upon the table until 12th Dec. 1842.

When Mr. Wallace called for the yeas and nays,

Which were as follows,

YEAS—Messrs. Browne, Coop, Greene, and Leffler—4.

NAYS—Messrs. Bainbridge, Hall, Hastings, Johnston, Springer, Wallace, and President—6.

So the motion was lost.

Mr. Browne moved that the bill be referred to the committee on military affairs;

When Mr. Johnston called for the yeas and nays,

Which were as follows :

YEAS—Messrs. Bailey, Browne, Coop, Greene, Hastings, and Leffler—6.

NAYS—Messrs. Bainbridge, Hall, Johnston, Springer, Wallace, and President—6.

So the motion was lost.

On motion by Mr. Wallace,

The 13th rule was suspended, and the bill read a third time.

The question being on its passage,

Mr. Coop called for the yeas and nays,

Which were as follows :

YEAS—Messrs. Bainbridge, Hall, Hastings, Johnston, Springer, Wallace, and President—7.

NAYS—Messrs. Bailey, Browne, Coop, Greene, and Leffler—5.

So the bill was passed and its title agreed to.

No. 114, House of Representatives file, Memorial to Congress relative to the contiguous sections of land to Iowa City,

Was read a first and second time.

Mr. Hastings moved to lay the bill upon the table;

Which was lost.

On motion by Mr. Wallace,

The 13th rule was suspended: the memorial read a third time and passed.

The following message from the House of Representatives was received through Mr. Fales, Chief Clerk :



"Mr. PRESIDENT---The House of Representatives have refused to entertain No. 135, Council file, A bill to amend an act to incorporate the town of Bloomington,

It having no enacting clause."

On motion by Mr. Johnston,

No. 142, Council file, Joint resolution relative to the printing of the laws of the present session,

Was taken from the table, and

On motion by the same gentleman,

The Council proceeded to a consideration of the same in committee of the whole, Mr. Hall being in the chair.

After some time spent therein, the bill was reported back to the Council with two amendments.

Mr. Wallace moved an amendment by striking out the names of Van Antwerp & Hughes, and inserting that of John H. McKenny;

On which Mr. Hastings called for the yeas and nays,

Which were as follows :

YEAS—Messrs. Bainbridge, Browne, Hall, Kirkpatrick, Springer and Wallace—6.

NAYS—Messrs. Bailey, Coop, Greene, Hastings, Johnston, Leffler and President—7.

So the motion was lost.

Mr Bainbridge moved to strike out Van Antwerp & Hughes, and insert N. Jackson;

When Mr. Hastings called for the yeas and nays,

Which were as follows :

YEAS—Messrs. Bainbridge, Browne, Hall, Kirkpatrick, Springer, and Wallace—6.

NAYS—Messrs. Bailey, Coop, Greene, Hastings, Johnston, Leffler, and President—7.

So the motion was lost.

Mr. Wallace moved to strike out Van Antwerp & Hughes and insert William Crum;

When Mr. Hastings called for the yeas and nays,

Which were as follows :

YEAS---Messrs. Bainbridge, Browne, Hall, Springer and Wallace---5.

NAYS---Messrs. Bailey, Coop, Greene, Hastings, Johnston, Kirkpatrick, Leffler and President---8.

So the motion was lost.

The question recurring on agreeing in the amendment made by the committee of the whole,

Mr. Johnston called for the yeas and nays,

Which were as follows :

YEAS—Messrs. Bailey, Coop, Greene, Hastings, Johnston, Leffler and President—7.

NAYS—Messrs. Bainbridge, Browne, Hall, Kirkpatrick, Springer and Wallace—6.

So the 1st amendment was adopted.

The question being on concurring in the 2d amendment made by the committee ;



Mr. Johnston called for the yeas and nays,

Which were as follows :

YEAS—Messrs. Bailey, Bainbridge, Coop, Greene, Hall, Hastings, Johnston, Kirkpatrick, Leffler, Springer and Wallace—11.

NAYS—Messrs. Browne, and President—2.

So the 2d amendment was adopted.

Mr. Springer moved an amendment, by striking out the sum of \$1,200 00 from the 2d section, and inserting 15 per cent. over Congress prices.

The question being on striking out,

Mr. Springer called for the yeas and nays on the same,

Which were as follows :

YEAS—Messrs. Bailey, Bainbridge, Browne, Hall, Kirkpatrick, Springer, and Wallace—7.

NAYS—Messrs. Coop, Greene, Hastings, Johnston, Leffler, and President—6.

So \$1,200 00 was stricken out.

Mr Johnston moved to insert \$1,100 00,

And called for the yeas and nays on the same, which were as follows :

YEAS—Messrs. Bailey, Coop, Greene, Hastings, Johnston, Leffler and President—7.

NAYS—Messrs. Bainbridge, Browne, Hall, Kirkpatrick, Springer and Wallace—6.

So the sum of \$1,100 00 was inserted.

On motion by Mr. Johnston,

The 13th rule was suspended, and the joint resolution read a third time.

The question being on its passage,

Mr. Coop called for the yeas and nays,

Which were as follows :

YEAS—Messrs. Bailey, Coop, Greene, Hastings, Johnston, Leffler, and President—7.

NAYS—Messrs. Bainbridge, Browne, Hall, Kirkpatrick, Springer, and Wallace—6.

So the joint resolution was passed and its title agreed to.

No. 139, House of Representatives file, A bill to re-locate that portion of the Territorial road leading from Fairfield, in Jefferson county, to Wapello, in Louisa county, that lies between Checauque river and Jefferson, in Henry county,

Was read a first and second time.

On motion by Mr. Wallace,

The 13th rule was suspended, the bill read a third time and passed.

Mr. Hastings moved to amend the title, by striking out "Checauque," and inserting "Skunk;" which was lost.

On motion,

The original title was agreed to.

No. 146, House of Representatives file, A bill for an act to re-locate a part of a Territorial road in Washington county,

Was read a first and second time;

On motion by Mr. Springer,

The 13th rule was suspended: the bill read a third time and passed; title agreed to.



No. 147, House of Representatives file, A bill for an act to change the names of certain towns and rivers,

Was read a first and second time.

Mr. Bailey moved to amend, by striking out all after the 1st section;  
Which was carried.

On motion by Mr. Coop,

The 13th rule was suspended, the bill read a third time and passed.

On motion by Mr. Hall,

The title was altered, so as to read "A bill for an act supplemental to an act to change the name of Rising Sun, approved Jan. 15, 1841."

No. 141, House of Representatives file, A bill for an act to divorce Rebecca Fisher from her husband, John Fisher,

Was read a first and second time.

On motion by Mr. Coop,

The 13th rule was suspended, and the bill read a third time.

The question being on its passage,

Mr. Springer called the yeas and nays,

Which were as follows:

YEAS—Messrs. Bainbridge, Browne, Coop, Hall, Hastings, Johnston, Leffler, and Wallace—8.

NAYS—Messrs. Greene, Springer, and President—3.

So the bill was passed and title agreed to.

No. 145, House of Representatives file, A bill for an act to divorce Clarissa Welch from her husband, Samuel C. Welch,

Was read a first and second time.

On motion,

The 13th rule was suspended and the bill read a third time.

The question being on its passage,

Mr. Coop called for the yeas and nays,

Which were as follows:

YEAS—Messrs. Bainbridge, Browne, Coop, Hall, Hastings, Johnston, Leffler, and Wallace—8.

NAYS—Messrs. Greene, Springer, and President—3.

So the bill was passed and title agreed to.

No. 148, House of Representatives file, A bill for an act to change the name of the town of Vandenburg, in Clinton county, to that of De Witt,

Was read a first and second time.

On motion by Mr. Johnston,

The 13th rule was suspended, the bill read a third time and passed;  
title agreed to.

Mr. Greene, from the committee on engrossed bills, had leave and reported that said committee had examined

No. 138, Council file, A bill for an act to repeal an act to create the office of Superintendent of Public Instruction,

And find the same to be correctly engrossed.

No. 71, House of Representatives file, A bill for an act to amend an act subjecting real and personal estate to execution,

Came up in order, the House insisting on disagreeing to the amendments made by the Council.

On motion.



The bill was laid upon the table subject to the order of the Council.

Mr. Hastings had leave and introduced

No. 135, Council file, A bill to amend an act to incorporate the town of Bloomington;

Which was read a first and second time.

On motion by Mr. Wallace,

The 13th rule was suspended, the bill read a third time and passed; title agreed to.

No. 138, Council file, A bill for an act to repeal an act to create the office of Superintendent of Public Instruction, being in order,

Mr. Coop moved that it be laid upon the table,

On which Mr. Johnston called for the yeas and nays,

Which were as follows:

YEAS—Messrs. Coop, Greene, Hastings, Leffler, and President—5.

NAYS—Messrs. Bainbridge, Browne, Hall, Johnston, Springer, and Wallace—6.

So the motion was lost.

Mr. Johnston moved a call of the Council,

Which was had, when Messrs. Bailey and Kirkpatrick were found to be absent.

On motion,

The Council adjourned until 9 o'clock to-morrow morning.

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### Thursday Morning, Feb. 17, 1842.

The Council met pursuant to adjournment.

The following message from the House of Representatives was received through Mr. Fales, Chief Clerk:

“Mr. PRESIDENT—The House of Representatives have passed—

No. 22, Council file, A bill to amend the militia law.

No. 27, Council file, A memorial to Congress for the establishment of a land office at Marion, in Linn county.

No. 36, Council file, A memorial for the establishment of a land office at Fairfield, in Jefferson county.

No. 50, Council file, A bill supplementary to an act regulating marriages.

No. 135, Council file, A bill to amend an act to incorporate the town of Bloomington.

Also, with amendments,

No. 142, Council file, Joint resolution relative to the printing of the laws of the present session.

In which the concurrence of the Council is requested.



I herewith present for your signiture four enrolled bills which have been signed by the Speaker of the House of Representatives."

Which were signed by the President.

Mr. Hastings offered the following:

*Resolved*, That the secretary of the Territory furnish copies of the act to change the time of holding the District Courts in the Second and Third Judicial Districts, for publication in the Iowa City Capitol Reporter, the Iowa City Standard, and the Miners' Express. of Dubuque.

Which was adopted.

Mr. Coop offered the following, and called for the yeas and nays on the same:

*Resolved*, That a vote of thanks be, and the same is hereby tendered to the Hon. J. W. Parker, President, for the able and impartial manner in which he has discharged the duties of the Chair, during the present session.

The yeas and nays were called, and were as follows:

YEAS—Messrs. Bailey, Browne, Coop, Hall, Hastings, Johnston, Kirkpatrick, and Leffler—8.

Mr. Springer having been excused from voting.

Mr. Coop, from the committee on roads to whom was referred the petition of sundry citizens of Muscatine county, praying a relocation of a part of the Territorial road from Moscow to Marion, reported that said committee have had the same under consideration, and begged to introduce

No. 148, Council file, A bill to review a part of the Territorial road from Moscow, via Rochester, to Marion, in Linn county;

Which was read a first and second time, and

The 13th rule having been suspended, the bill was read a third time and passed; title agreed to.

The following message from the House of Representatives was received through Mr. Fales, Chief Clerk:

"Mr. PRESIDENT—The House of Representatives have passed, with amendments—

No. 3, Council file, A bill supplementary to an act providing for the appointment of a Superintendant of Public Buildings at Iowa City.

No. 125, Council file, A bill for an act to amend an act relative to divorce, alimony, and for other purposes.

I herewith present for your signature ten enrolled bills, which have been signed by the Speaker of the House of Representatives."

Which were signed by the President.

Mr. Springer, from the joint committee on enrollments, reported that said committee had examined

An act to incorporate the town of Fort Madison,

And found the same to be correctly enrolled.

On motion by Mr. Hastings,

No. 49, Council file, A bill to provide for the keeping of stallions and jacks,

Was taken from the table, read a third time and passed; title agreed to.

On motion by the same,

No. 91, House of Representatives file, A resolution authorizing the payment of money to James F. Hanby,

As amended by the committee on claims, was taken from the table.

On motion,



The report of the committee was concurred in.

The bill was read a third time and passed ; title agreed to.

No. 135, House of Representatives file, A bill to re-locate a part of the road from Iowa city to Burlington, was taken from the table

On motion by Mr. Hastings,

And having been read a second time,

On motion by Mr. Springer,

The 13th rule was suspended, the bill was read a third time and passed ; title agreed to.

On motion by Mr. Bainbridge,

No. 82, Council file, An act to repeal an act to regulate the mode of petitioning the Legislature in certain cases, was taken from the table.

The bill was read a third time.

The question being on its passage.

The yeas and nays were called for by Mr. Parker,

And were as follows:

YEAS—Messrs. Bailey, Bainbridge, Coop, Greene, Hall, Hastings, Kirkpatrick and Leffler—8.

NAYS—Messrs. Browne, Johnston, Springer, Wallace and President—5.

So the bill was passed and title agreed to.

Mr. Parker had leave and introduced

No. 149, Council file, A bill supplemental to an act relative to incorporated religious societies ;

Which was read a first and second time.

On motion by Mr. Johnston,

The 13th rule was suspended and the bill read a third time.

The question being on its passage,

Mr. Springer called for the yeas and nays,

Which were as follows :

YEAS---Messrs. Bailey, Browne, Greene, Hall, Hastings, Johnston, Leffler, Wallace and President---9.

NAYS---Messrs. Bainbridge, Coop, Kirkpatrick, and Springer---4.

So the bill was passed and title agreed to.

No. 138, Council file, A bill for an act to repeal an act to create the office of superintendent of public instruction,

Being in order, was read a third time.

The question being on its passage,

The yeas and nays were called for by Mr. Hastings,

And were as follows:

YEAS --Messrs. Bainbridge, Browne, Hall, Johnston, Kirkpatrick, Springer, and Wallace---7.

NAYS---Messrs. Bailey, Coop, Greene, Hastings, Leffler and President---6.

So the bill was passed and title agreed to.

No. 3, Council file, An act entitled an act supplementary to an act providing for the appointment of a Superintendent of Public Buildings at Iowa City, and the appointment of a Territorial Agent, and for other purposes,

Came up as amended by the House of Representatives.

On motion,

The amendments made by the House were agreed to.



No. 125, Council file, A bill for an act to amend an act relative to divorce, alimony, and for other purposes,

Came up as amended by the House of Representatives.

On motion,

The amendments were concurred in.

No. 132, Council file, A bill relative to the Davenport Institute,

Came up as amended by the House of Representatives.

On motion,

The amendments were concurred in.

No. 86, Council file, A bill for an act to amend an act to provide for the appointing Justices of the Peace, to prescribe their duties, and to regulate their proceedings,

Came up as amended by the House of Representatives.

On motion by Mr. Johnston,

The committee disagreed to all the amendments made by the House.

On motion by Mr. Springer,

A committee of conference was appointed to meet a similar committee on the part of the House, relative to the disagreeing vote of the two Houses.

Messrs. Johnston, Hall and Hastings were appointed said committee.

Mr. Hastings moved that a committee of conference be appointed to meet a similar committee on the part of the House relative to the disagreeing vote of the two Houses on

No. 71, House of Representatives file, A bill for an act to amend an act subjecting real and personal estate to execution, and that the gentleman from Des Moines be chairman of said committee.

Mr. Leffler moved an amendment by substituting the name of the gentleman from Lee for that of the gentleman from Des Moines ;

Which was carried.

The question being on appointing said committee,

It was lost.

No. 128, Council file, A bill relative to the survey of the town of Salem,

Came up as amended by the House of Representatives.

On motion,

The amendments were concurred in.

No. 142, Council file, Joint resolution relative to the printing of the law of the present session,

Came up as amended by the House of Representatives.

On motion,

The amendments were concurred in.

No. 83, Council file, A bill to incorporate the Cedar Rapids Manufacturing Company,

Came up as amended by the House of Representatives.

On motion,

The amendments were concurred in.

Mr. Hall had leave and introduced

No. 150, Council file, Joint resolution providing for the meeting of the Legislative Assembly at the ensuing session ;

Which was read a first time.

The question being on a second reading,

Mr. Hastings demanded the yeas and nays,



Which were as follows :

YEAS---Messrs. Bailey, Bainbridge, Browne, Coop, Hall, Leffler, Springer and Wallace---8.

NAYS---Messrs. Greene, Hastings, Johnston, Kirkpatrick and President---5.

So the joint resolution was read a second time.

Mr. Bainbridge moved an amendment by striking out "Keosauqua," and inserting "Dubuque ;"

Which was lost.

Mr. Hastings moved to strike out "Keosauqua," and insert "Bellevue ;"

Which was lost.

On motion by Mr. Johnston,

The 13th rule was suspended and the joint resolution read a third time.

The question being on its passage,

Mr. Hastings called for the yeas and nays, which were as follows :

YEAS---Messrs. Hall and Wallace---2.

NAYS---Messrs. Bailey, Bainbridge, Browne, Coop, Greene, Hastings, Johnston, Kirkpatrick, Leffler, Springer and President---11.

So the joint resolution was lost.

On motion,

The Council adjourned until two o'clock P. M.

## TWO O'CLOCK, P. M.

The Council met pursuant to adjournment.

The following message from the House of Representatives, was received through Mr. Fales, Chief Clerk :

"Mr. PRESIDENT---The House of Representatives have passed---

No. 82, Council file, An act to repeal an act to regulate the mode of petitioning the Legislative Assembly, &c.

No. 138, Council file, An act to repeal an act to create the office of superintendent of public instruction.

No. 149, Council file, A bill supplemental to an act relative to incorporated religious societies.

Also, with amendments

No. 49, Council file, A bill to provide for the keeping of stallions and jacks.

In which the concurrence of the Council is requested.

I herewith present for your signature six enrolled bills which have been signed by the Speaker of the House of Representatives."

Mr. Bailey had leave and introduced

No. 151, Council file, A joint resolution relative to the compensation of Gilbert and Ruggles, &c.,

Which was read a first and second times, and

On motion,

The 13th rule was suspended, and said resolution was read a third time,

And the question being on its passage,

Mr. Bainbridge called the yeas and nays,

Which were as follows :

YEAS---Messrs. Bailey, Hastings, Kirkpatrick, Leffler, Springer, Wallace and President---7.



NAYS---Messrs. Bainbridge and Browne---2.

So said resolution was passed and title agreed to.

Ordered that the Secretary inform the House of Representatives accordingly.

Mr. Springer, from the joint committee on enrollments, presented, on the 17th inst., to the Governor for his approval,

An act to incorporate the city of Keosauqua.

An act to divorce James V. Hill, of Linn county, from his wife Eliza Hill.

An act supplemental to an act regulating criminal proceedings.

An act authoring the reduction of the minimum price of the unsold lots in Iowa City, and for their sale for work and materials, and for other purposes.

An act to authorize the establishment of poor houses.

A resolution for the relief of John Lorton.

An act to locate and establish a Territorial road from Charles Neally's, in Muscatine county, to Iowa City, in Johnson county.

Memorial to Congress for the establishment of a National Armory at Rock Island, and for other purposes.

An act to authorize James Leonard to establish and keep a ferry across the Mississippi river, at the town of Charleston, in Jackson county.

An act to provide for receiving the proportion of moley to which Iowa will be entitled under the distribution law.

An act to authorize Boards of Commissioners to appoint agents to dispose of real estate.

A resolution for the relief of Walter Butler.

An act for the organization of townships.

On motion,

The Council resolved itself into Executive session.

After some time spent therein, the Council resumed its regular session.

On motion,

The Council took a recess of one hour.

The Council resumed its session.

The following message from the House of Representatives was received through Mr. Fales, Chief Clerk:

"Mr. PRESIDENT—I herewith present for your signature twenty-four enrolled bills, which have been signed by the Speaker of the House of Representatives.

They have passed Nos. 148, and 151, Council file.

They have receded from their disagreements to

No. 71, House of Representatives file, A bill for an act to amend an act subjecting real and personal estate to execution."

Mr. Hastings had leave and introduced

No. 152, Council file, A joint resolution relative to compensating Samuel Wilson,

Which was read a first and second times, and

On motion,

The 13th rule was suspended and said resolution was read a third time,

And the question being on its passage,

Mr. Browne called the yeas and nays,

Which were as follows:

YEAS---Messrs. Hastings and Wallace---2.



NAYS—Messrs. Bailey, Bainbridge, Browne, Leffler, Springer, and President—6.

So said resolution was lost.

On motion by Mr. Springer,

The Council appointed Messrs. Springer and Bainbridge a committee on the part of the Council, to act in conjunction with a similar committee on the part of the House of Representatives, to wait upon his Excellency, and inform him that both branches of the Legislative Assembly are prepared to adjourn, *sine die*, unless he has some further communication to make to them.

On motion by Mr. Bainbridge,

The Council appointed Messrs. Bainbridge and Leffler a committee to wait upon the House of Representatives, and inform them that the Council has no further business before them, and that they are ready to adjourn *sine die*.

On motion,

The Council took a recess until 7 o'clock P. M.

### SEVEN O'CLOCK P. M.

The Council resumed its session.

Mr. Springer, from the joint committee on enrollments, reported that said committee presented, on the 17th inst., to the Governor for his approval,

A memorial to Congress for an appropriation to improve the Rapids in the Mississippi river.

An act amendatory of an act to organize, discipline and govern the militia

An act to re-locate a part of a Territorial road in Washington county.

An act to divorce Rebecca Fisher from her husband, John Fisher.

An act to incorporate an Insurance Company at the town of Farmington, in Van Buren county.

A memorial for a new land district.

A memorial for a new land district.

A memorial for a new land district.

An act to re-locate that portion of the Territorial road leading from Fairfield, in Jefferson county, to Wapello, in Louisa county, that lies between Checauque river and Jefferson, in Henry county.

Memorial to Congress relative to the contiguous sections of land to Iowa City.

A memorial to Congress for the benefit of agriculture.

A memorial for a new land district.

An act to provide for compensation of members, officers and printers of the Legislative Assembly, and for other purposes.

An act to change the name of the town of Vandenburg, in Clinton county to that of "De Witt."

An act to divorce Clarissa Welsh from her husband, Samuel C. Welsh.

An act to amend an act subjecting real and personal estate to execution.

A resolution authorizing the payment of money to James F. Hanby.

An act to amend the militia law.

An act supplementary to an act regulating marriages, approved, January 6, 1840.

An act relative to the Davenport Institute.

An act for the relief of James Davis, former Sheriff of Muscatine county



An act relative to the survey of the town of Salem, in Muscatine county.

An act to provide for the assessment and collection of taxes from the town of Zerahemla, in Lee county.

An act relative to officers of the Legislative Assembly.

A memorial to Congress praying an appropriation for the compensation of James M. Morgan.

An act to incorporate the town of Fort Madison.

An act for the re-location of a part of the Territorial road from Iowa City to Prairie du Chien.

An act to re-locate a part of a Territorial road in Louisa county.

An act to change the name of Rising Sun to Pittsburgh.

An act to re-locate a part of the Territorial road from Iowa City to Burlington.

An act to incorporate the Mount Pleasant Literary Institute.

An act to establish an Insurance Company in the city of Dubuque.

A memorial to Congress for the benefit of agriculture.

An act supplemental to an act relative to incorporated religious societies.

An act to review a part of the Territorial road from Moscow, via, Rochester, to Marion, in Linn county.

An act to repeal an act to regulate the mode of petitioning the Legislature in certain cases.

Joint resolution relative to the printing of the laws of the present session.

An act to amend an act relative to divorce, alimony, and for other purposes.

An act supplementary to an act providing for the appointment of a Superintendent of public buildings, at Iowa City, and the appointment of a Territorial Agent, and for other purposes.

An act to provide for the keeping of stallions and jacks.

An act to repeal an act to create the office of Superintendent of public instruction.

A joint resolution relative to compensating Gilbert & Ruggles.

A joint resolution authorizing payment of money to the Secretary of the Territory.

A memorial for the establishment of a Land Office at Fairfield in Jefferson county.

An act to incorporate the Cedar Rapids Manufacturing Company.

Mr. Springer had leave and introduced

No. 153, Council file, A joint resolution authorizing payment of money to the Secretary of the Territory,

Which was read a first and second times, and

On motion,

The 13th rule was suspended: said resolution was read a third time and passed.

Ordered, That the Secretary notify the House of Representatives accordingly.

The following message from the House of Representatives was received through Mr. Fales, Chief Clerk:

"Mr. PRESIDENT—The House of Representatives have passed—

Joint resolution authorizing the payment of money to O. H. W. Stull, Secretary of Territory.

The House have appointed Messrs. Morgan and Robertson as a committee



on the part of the House, to act in conjunction with a similar committee to be appointed on the part of the Council, to wait on his Excellency, the Governor, and inform him that the two Houses are now ready to adjourn if he has no further communications to make to them.

I herewith present for your signature twelve enrolled bills and joint resolutions, which have been signed by the Speaker of the House of Representatives."

Which were signed by the President.

Mr. Springer from the joint committee on enrollments, reported as correctly enrolled

No. 153, Council file, A joint resolution authorizing payment of money to the Secretary of the Territory.

No. 30, Council file, Memorial for the establishment of a land office at Fairfield, in Jefferson county.

No. 83, Council file, A bill to incorporate the Cedar Rapids Manufacturing Company.

No. 151, Council file, A joint resolution relative to compensating Gilbert & Ruggles, &c.

No. 138, Council file, A bill for an act to repeal an act to create the office of Superintendent of Public Instruction,

No. 49, Council file, A bill to provide for the keeping of stallions and jacks.

No. 3, Council file, A bill supplementary to an act providing for the appointment of a Superintendant of Public Buildings at Iowa City, and the appointment of a Territorial Agent, and for other purposes.

No. 142, Council file, Joint resolution relative to the printing of the laws of the present session.

No. 82, Council file, An act to repeal an act to regulate petitioning the Legislature in certain cases.

No. 125, Council file, A bill for an act to amend an act relative to divorce, alimony, and for other purposes.

No. 148, Council file, A bill to review a part of the Territorial road from Moscow, via Rochester, to Marion, in Linn county.

A committee from the House of Representatives waited upon the Council to inform them that there is no business before the House, and that the House is ready to adjourn, *sine die*.

Mr. Bainbridge, from the committee appointed to wait upon the House of Representatives, reported that they had performed that duty.

On motion,

The Council adjourned until 7 o'clock to-morrow morning.



**Friday Morning, Feb. 18, 1842.**

The Council met pursuant to adjournment.

The following message from the House of Representatives was received through Mr. Fales, Chief Clerk:

“Mr. PRESIDENT—I herewith present for your signature, two enrolled bills, which have been signed by the Speaker of the House of Representatives”

Which were signed by the President.

On motion by Mr. Browne,

The resolution in relation to Mr. Swan was taken from the table, and

On motion,

Said resolution was rejected.

Mr. Springer, from the joint committee to wait upon the Governor, reported that they had discharged that duty, and that the Governor informed them that he had no further communication to make.

On motion by Mr. Hall,

The nomination of John E. Ely was confirmed.

Mr. Springer, from the joint committee on enrollments, reported that said committee had examined

No. 135, Council file, An act to amend an act to incorporate the town of Bloomington; Also,

No. 27, Council file, A memorial to Congress for the establishment of a land office at Marion, in Linn county,

And find them correctly enrolled, and that they had presented the same to the Governor for his approval.

And there being no further business before the Council,

On motion,

The Council adjourned *sine die*.



# APPENDIX.

## REPORT

OF THE TERRITORIAL AGENT TO THE LEGISLATURE OF IOWA TERRITORY.

OFFICE OF THE TERRITORIAL AGENT, }  
Iowa City, December 12, 1841. }

*To the Honorable Legislative Assembly:*

GENTLEMEN—In compliance with the requirements of law, I herewith submit my Annual Report:

On entering upon the duties entrusted to my charge, I made a demand upon the former Acting Commissioner of Public Buildings for the delivery to me of all public moneys, papers, records, and property in his possession, as contemplated by the provisions of the 16th section of "An act providing for the appointment of a Superintendent of Public Buildings at Iowa City, and the appointment of a Territorial Agent, and for other purposes."

On this requisition I received from him notes payable to the Acting Commissioner, or his successor in office, and given in payment for lots in Iowa City, amounting to

\$20,627 36

With credits endorsed on the same, amounting to

2,344 61

Leaving

\$18,282 75

The receipts since the 15th of January, 1841, up to the 1st inst., are as follows, to wit:

On notes given in payment for lots sold by former

Acting Commissioner on Public Building, \$8,687 42½

Interest collected on same, 142 51

Total amount of receipts from notes,

\$8,829 93½

Receipts from sales of lots sold by Territorial Agent since the 10th of May, (being the date of the public sale of lots,)

4,206 16

Proceeds of loans negotiated with the Miners' Bank of Dubuque, under the provisions of "An act au-



thorizing a loan of money to be expended upon the Capitol," negotiated on the 28th of June last,	5,000 60
Proceeds of further loan negotiated with said bank, on the 30th of September last,	500 00
Amount deducted from pay-rolls on account of black-smithing,	34 49
Total amount of Receipts for the year, ending on 1st inst.,	\$18,570 59

## EXPENDITURES.

The expenditures on the Capitol for the year ending the 1st of the present month were as follows, to wit:

For the month of January,	\$ 52 00
February,	151 50
March,	1,260 60
April,	2,807 30 $\frac{1}{2}$
May,	4,135 35 1-2
June,	4,869 86
July,	3,445 40 1-2
August,	3,219 86
September,	1,909 64
October,	438 68
November,	665 98 1-3

Total amount of expenditures for year ending 1st inst., \$22,956 19 $\frac{1}{4}$

Showing an excess of expenditures for the year, over and above the amount received by me, of \$4,285 60

The item in the above exhibit designated an excess of expenditures over and above the receipts by me, has been discharged by the issuing of certificates of indebtedness to the laborers and other creditors of the Territory on account of the capitol, payable to bearer, and receivable in payment of any debts due the office.

Upon commencing the work upon the capitol the past spring, the only means in my hands for its prosecution were the notes on hand given in payment for lots in Iowa City, amounting to \$18,282 75. I found that it would be impossible to render these notes available by the collection of money to an extent that would enable the Superintendent of the capitol to continue the work.

In order to obviate these difficulties as far as practicable, and to render the means in my hands available to as useful an extent as possible, to enable the Superintendent to proceed with the work efficiently, I adopted the plan of issuing certificates of indebtedness to the laborers and others on account of the capitol, which certificates specified that the same would be receivable in payment of any debts due the office.

The plan adopted, I was gratified to find, under the circumstances, answered a valuable purpose, both to the public service, and the numerous individuals indebted to the Territory for city lots. A large proportion of the property holders of Iowa City and vicinity being indebted to the Territory for lots previously purchased, these certificates are readily received in payment in all ordinary business transactions in the city, and gradually find their way back into the office, either in payment of notes previously given, or in pay-



ment of new purchases of city lots. Thus nearly the entire receipts into the office, both in payment of notes previously given, as well as in payment of lots sold by me have been received in the certificates above referred to.

On the 28th of June last, I negotiated a loan of five thousand dollars—and on the 30th of September, an additional loan of five hundred dollars—with the Miners' Bank of Dubuque, on the faith of the unsold lots in Iowa City, and in accordance with the provisions of "An act authorizing a loan of money to be expended on the capitol," approved January 15, 1841. The first amount (\$5000) I agreed to pay at the Bank of America, in the city of New York, eighteen months after date, the interest payable quarterly at the State Bank of Missouri, in the city of St. Louis. The latter amount of \$500 I agreed to pay at the State Bank of Missouri, in the city of St. Louis, nine months after date. These loans were negotiated at seven per centum per annum.

There were outstanding on the 1st inst, certificates of indebtedness, as above referred to, amounting to \$5,214 91

\$278 00 of which is payable in cash, the balance to be received in payment of debts due the office.

The excess of expenditures over the receipts by me, as shown above, amounts to 4,385 60

Leaving in my hands, at the date above stated, unaccounted for, \$829 31

My own salary, as Agent, is not included in the above exhibit, and I have in my possession a number of receipts on unsettled accounts which are not included.

Total amount of notes on hand at the date above referred to \$14,324 36

The unsold lots, at present valuation, as fixed by law, amount to 108,369 00

Total amount of notes and unsold lots on hand, \$122,693 36

The amount of arrearages incurred on the capitol, as shown above, are as follows, to wit:

Outstanding certificates,	\$5,214 91
Amount of loans,	5,500 00
Total,	\$10,714 91

I would respectfully recommend a further reduction of the minimum price of the lots, convinced as I am, that unless the price be reduced below the present rates, the sales of the next year will be very considerably less than those of the last. I feel justified in saying that the sales of the past season would not have exceeded one half the amount they have, had it not been for the fact that certificates, such as I have referred to, have been received in payment of purchases.

I would further suggest, that unless further provisions be made, at the present session of the Legislative Assembly, for making available the means under my control for the prosecution of the work on the capitol, but little can be done towards its completion during the next year. The amount of arrearages incurred the past season will necessarily have to be provided for before means for its continuance can be had. The issuing of certificates, as heretofore, will in a great measure be prohibited, from the fact that more than one half the arrearages referred to are payable in cash.

Within the past year I have compiled, with as much accuracy as the means



*within my power would admit* a permanent record, exhibiting in detail to whom the several lots were sold, the date and number of sale, number of block and lot as designated on the plat of the city, the minimum price of each lot, the amount sold for, how paid for, date of notes, date when notes become due, and date when the same were paid; also, total amount received on each lot, and to whom deeded, date of deed, &c.—thus showing at a single glance the exact condition of each lot sold.

From this record I have compiled the accompanying abstracts, marked A and B. The first shows the present condition of the lots sold by the Acting Commissioner, the amount which he received on each lot, as well as the amount received on the same by myself.

Abstract B is a list of the lots sold by me since the 10th of May last—that being the date of the public sale—showing to whom sold, &c. It will be seen by this statement that the sales since the date referred to amount to \$9,031 00. All of which is respectfully submitted.

JESSE WILLIAMS,  
Territorial Agent.







[ A ]

## AN ABSTRACT

*Of Sales of Lots in Iowa City, made by the former Acting Commissioner on Public Buildings; showing to whom sold, the amount received on each lot by the Acting Commissioner, and the amount of principal and interest received on the same by the Territorial Agent, together with the amounts yet due on each lot: also, showing the date at which the last payment on the lots become due.*

Date of Sale.	No. of Sale.	To whom Sold.	No. of block.	No. of Lot.	Amount sold for.	Amount received by Ac. Commiss'r.	Amount received by Ter. Agent.	Amount of interest received.	Amount yet due.	Date when last payment become due.
Jan'y. 1, 1841.	220	Robert Lucas,	20	1	\$100	\$ 25 00	\$ 25 00		\$ 50 00	July 1, 1842.
	221	" "		2	75	18 75	18 75		37 50	
	222	" "		3	75	18 75	18 75		37 50	
	223	" "		4	100	25 00	25 00		50 00	
	224	" "		5	25	6 25	6 25		12 50	
	225	" "		6	20	5 00	5 00		10 00	
	226	" "		7	20	5 00	5 00		10 00	
	227	" "		8	25	6 25	6 25		12 50	
	228	" "	24	5	25	6 25	6 25		12 50	
	229	" "		6	20	5 00	5 00		10 00	
	230	" "		7	20	5 00	5 00		10 00	
	231	" "		8	25	6 25	6 25		12 50	
Oct. 11, 1839.	121	W G Finch,	39	6	41	20 50	20 50	57		
10,	107	Christopher Miller,		1	42	42 00				
11,	122	John Shays,	44	1	50	25 00	25 00			
Aug. 21,	34	Mathew Tehiche,		2	90	67 50	22 50	21		
Oct. 12,	133	F M Irish,		3	20	10 00	10 00	17		
Aug. 20,	35	A Osborn,		4	110	82 50			27 50	Feb. 21, 1841.
Oct. 12,	134	Willson & Mulholland	45	5	55	27 50	13 75	77	13 75	April 12, 1841
Aug. 21,	36	Wm Bostick,		6	105	105 00				
Oct. 10,	108	Jacob S Gobbin,		7	76	19 00			57 00	10,
Aug. 21,	37	Wm Bostick,	48	1	70	70 00				
	38	G A Martin,		3	31	23 25	7 75			
Oct. 12,	135	E M Bissell,		5	76	19 00			57 00	April 12, 1841
	136	" "	49	1	41	10 25			30 75	



Aug 21,	39	Casper Nich,	2	34	17 00	17 00	56		
Oct 9,	91	Luke Dougless,	4	61	45 75	15 25			
10,	109	Christopher Miller,	6	50	50 00				
12,	137	E M Bissell,	50	45	11 25			33 75	
Aug 21,	138	A G Martin,	2	34	17 00	17 00			
	123	Wm Bostick,	4	60	60 00				
Oct 11,	40	A G Gano,	51	60	60 00				
Aug 21,	41	Cor Van Hagan,	2	51	25 50		17	25 50	Feb 21, 1841
Oct 11,	124	John Shays,	3	34	17 00	17 00			
Aug 20,	4	Ward & Hartz,	4	67	58 62	8 37½			
21,	52	Asaph Allen,	52	25	6 25			18 75	
	43	" "	"	25	6 25			18 75	
	44	Willson & Mullholland,	7	25	18 75	6 25	9		
	45	" "	8	25	18 75	6 25	20		
Oct 12,	139	F M Irish,	53	52	31 25	20 75	31		Feb 21, 1841
	140	" "	6	41	10 25			30 75	April 12, 1841
9,	92	J E Woolton,	7	41	20 50			20 50	9,
12,	141	E M Bissell,	8	51	25 50	25 50	64		
Aug 21,	46	Wm Bostick,	54	105	105 00				
	142	Philip Clark,	3	50	25 00	25 00	1 20		
Oct 12,	143	E M Bissell,	4	41	20 50	20 50	1 02		
Oct 12,	144	Samuel H M'Crory,	7	31	31 00				
11,	125	S & J Ogden,	55	42	42 00				
Aug 21,	145	Wm C Massey,	4	88	44 00			44 00	Feb 21, 1841
20,	5	Charles Jack,	6	43	10 75			32 25	20,
Dec 29,	194	Chauncey Swan,	7	41	30 75	10 25			
Aug 21,	47	George Wein,	56	51	25 50			25 50	21,
Oct 11,	126	Wm G Finch,	4	53	26 50	26 50	74		
Aug 21,	146	Samuel H M'Crory,	5	89	44 50	44 50	97		
Oct 10,	110	Charles Sweetland	6	68	34 00			34 00	April 10, 1841
12,	147	E M Bissell,	57	51	12 75			38 25	12,
Aug 21,	148	Wm Bostick,	4	75¼	75 25				
	48	Casper Nich,	6	47	23 50	23 50	87		
Oct 12,	149	David Cox,	7	53	13 25	26 50	88	13 25	
Jan 27, 1840	199	Francis Thompson,	58	32	16 00	16 00			
Oct 12, 1839	84	Wm C Massey,	5	132	70 25			61 75	Feb 21, 1841
	49	Samuel H M'Crory,	6	57	57 00				
Aug 20,	6	Charles Jack,	7	52	13 00			39 00	20,



Date of Sale.	No. of Sale.	To whom Sold.	No. of block.	No. of lot.	Amount sold for.	Amount received by Ac. Commiss'er.	Amount received by T. Agent.	Amount of interest received.	Amount yet due.	Date when last paym't become due.
Oct 12,	150	Samuel H M'Crory	59	4	76	76 00				
Aug 21,	50	Mathew Teniche		6	72	54 00	18 00	56		
Oct 12,	151	S H McCrory		7	34	34 00				
Aug 21,	51	Wm Bostick		8	105	105 00				
	52	" "	60	2	71	71 00				
Oct 10,	111	Benj Kincaide		4	206	51 50			150 50	April 10, 1841
Aug 20,	53	J G Morrow	61	1	100	50 00	50 00	2 10		
21,	54	Wm Bostick		3	219	219 00				
Oct 11,	127	J G Nichols		4	242	60 50			181 50	11,
10,	112	James Herron		6	120	60 00	60 00	2 20		
12,	152	F M Irish		8	150	107 50	42 50	35		
Aug 29,	87	Hannah Cole	62	1	50	25 00	25 00	1 08		
Oct 11,	128	John Shays		3	91	45 50	45 50	45		
9,	93	Vanfleet & Cross		4	155	59 51	31 31	1 25	64 18	9,
10,	113	R McIntosh		5	97	48 50			48 50	10,
9,	94	James Laughlin		6	71	35 50	35 50	70		
	95	" "		7	85	42 50	42 50	58		
8,	96	Wm Drury	63	2	78	51 44	7 06	39	19 50	8,
Aug 21,	55	Wm Bostick		4	186	186 00				
Oct 10,	114	James Herron		6	60	30 00	30 00	60		
Aug 20,	7	L E Hartz		7	70	70 00				
Oct 12,	153	Mathias Lamar	64	1	93	46 50	46 50	1 53		
9,	97	Vanfleet & Cross		2	55	21 11	26 56	94	7 33	9,
Aug 21,	56	Henry C Buck		4	254	190 50	63 50			
20,	57	Turner & Black		7	69	34 50	34 50			
21,	58	C S Cowan	65	1	189	189 00				
Oct 11, 1839,	129	Wm Devall		3	150	75 00	75 00	1 54		April 9,
12,	154	Henry Heart		4	304	152 00	96 00	3 78	56 00	
9,	98	James Laughlin		5	126	54 50	71 50	1 73		
Aug 21,	59	Abraham Owen		6	105	26 25			77 75	Feb 21,
	60	Wm Bostick	66	4	449	384 25	64 75	1 13		
20,	8	John B Adams	77	4	450	225 00			225 00	20,



Oct 11,	130	Abner Walcott	68	2	85	82 44	2 56			
Aug 21,	61	Felkner & Myers		4	303	227 25	75 75	1 64		
Oct 12,	155	McCrory & Cropper		5	175	87 50	43 75	1 27	43 75	April 12,
	156	Samuel J Frost		6	150	37 50	112 50	5 87		
Aug 20,	9	Charles Jack		7	180	36 75			143 25	Feb 20,
Jan'y 27, 1840	200	Philip T Wells	69	2	31	9 25			21 75	July 27,
		Joseph Adams		4	76	26 00	50 00	25		
Aug 21, 1839	62	Wm Bostick		5	162h	121 88	40 62h	72		
Jan'y 25, 1840	198	Elisha Duel		6	77	57 75			19 25	25,
Aug 20, 1839	10	Myron Ward		7	101	25 25			75 75	Feb 20,
Oct 12,	157	Charles S Foster	77	2	100	50 00	50 00	84		
Aug 20,	11	B S Olds		5	306	229 50	76 50			
Oct 12,	158	Ed Foster		6	127	63 50	63 50	1 18		
Aug 20,	12	Charles Jack		7	200	50 00			150 00	Feb 20,
Oct 12,	159	George T Andrews		8	201	100 50	20 81		79 69	April 12,
	160	J Shaw	78	1	265	66 25	132 50		66 25	
Aug 21,	63	Bowen & Sanders		2	222	80 50	32 70	3 10	108 80	Feb 21, 1841,
Oct 9,	99	Wm Drury		4	201	172 50	28 25	83	25	April 9,
Aug 20,	13	J C Hutchison		5	605	453 75	151 25	3 75		
Oct 12,	115	James Herron		7	190	142 50	47 50	20		
Aug 21,	64	J V Campton	79	3	749	187 25	219 61	15 83	342 14	Feb 21,
	65	Wm Bostick		6	750	562 50	187 50	3 26		
Oct 3, 1840	219	Edward Foster		7	700		291 54		408 46	Oct 3,
Aug 21, 1839	66	Wm Bostick		8	725	543 75	181 25	3 15		
20,	14	Mathew Teniche	80	1	300	200 00	100 00	1 55		
Oct 8,	89	Jesse Bowen		2	307	76 75	230 25	6 02		
Sept 27, 1840	216	M H Cropper		3-4	600	150 00	800 00		150 00	March 27, 1842,
	216	Woodworth & Reagan		4	400		133 34	2 72	266 66	
Oct 12, 1839	161	M H Cropper		4	400	125 00			275 00	April 12, 1841,
Aug 21,	67	Walter Butler		5	300	150 00			150 00	Feb 21,
Sept 1, 1840	202	" "		6	800	200 00			600 00	March 1, 1842,
Aug 21, 1839	68	Wm Bostick		7	256	192 00	64 00	1 11		
Oct 12,		John Shaw,	sh	8	175	43 75	131 25	3 05		
		Dyman Dillon	nh	8	130	32 50	97 50	5 64		
Aug 20,	15	Elijah Wood	81	1	271	135 50	135 50	6 17		
Nov 4,	184	Chauncey Swan		2	149	37 25			111 75	July 8, 1841,
Aug 25,	16	R B Davis		3	266	199 50	66 50			
Oct 12,	163	Philip Clark		6	100	50 00	50 00	1 00		



Date of Sale.	No. of Sale.	To whom Sold.	No. of block.	No. of Lot.	Amount sold for.	Amount received by Ac- Commiss'er.	Amount re- ceived by T. Agent.	Amount of interest re- ceived.	Amount yet due.	Date when last payment be- come due.
	164	Robert McKee		7	100	50 00	8 41		41 59	April 12, 1841,
	165	Lyman Dillon	82	1	150	50 00	100 00			
	166	" "		2	96	24 00	72 00			
Nov 12,	69	Henry Bolling		4	217	135 75			81 25	Feb 21,
Aug 21,	185	Walter Butler		5	118	13 00			105 00	July 8,
Jan 8, 1840,	70	Wm Bostick		7	130	97 50	32 50	55		
Aug 21, 1839,	131	John Shays	83	1	169	84 50	84 50	84		
Oct 11,	116	James Heron		2	105	26 25	22 62		56 13	April 12,
12,	17	Sturgis & Buck		3	156	39 00			117 00	Feb 20,
Aug 20,	100	Arnold Denton		5	90	45 00			45 00	April 9,
Oct 9,	85	Abraham Cline		7	100	50 00			50 00	Feb 28,
Aug 28,	167	" "		8	101	25 25			75 75	resold April 12,
Oct 12,	71	James Wells	84	1	519	339 50	179 50	4 42		
Aug 21,	101	Daniel Garst		2	306	153 00	153 00	3 25		
Oct 9,	72	Wesley Jones		3	300	225 00	75 60	92		
Aug 21,	18	Turner & Black		4	481	240 50	240 13		37	Feb 20,
20,	102	Frederick Miller		6	125	31 25			93 75	April 8,
Oct 8,	168	Jesse Berry		7	183	65 75	90 00	1 55	27 25	12,
12,	169	Wm M Harris		8	181	45 25	135 75	4 31		
8,	103	Caleb Lewis	85	2	110	55 00			55	8,
Aug 28,	86	Green Weaver		3	205	205 00				
Oct 10,	117	Alpheus Russell		4	251	62 75			188 25	10,
12,	170	J Harris		5	606	303 50			302 50	12,
8,	90	Wm Drury	85	6	367	242 06	38 00	1 38	86 94	8,
Sept 5, 1840,	219	Ferdinand Haverstraw		7	800	200 00	250 00	1 33	50 00	March 5, 1842,
Aug 21, 1839,	73	Mary Ann Chord		8	300	150 00	150 00	4 86		
Oct 9,	104	James C Scott	86	1	142	71 00			71 00	April 9, 1841,
Aug 20,	19	L E Hartz		2	86	86 00				
Oct 9,	105	Wm Drury		4	150	75 00	37 50	92	37 50	
Aug 20,	106	E Woods		5	151	113 25	37 75	1 77		
Oct 9,	20	James C Scott		7	146	73 00			73 00	
Aug 19,	1	L D Phillips		8	330	82 50			247 00	Feb 19,



Dec 25,	2	G W Statton	89	1	125	62 50	62 50	1 87		
	171	Lyman Dillon		2	31	7 75	23 25			
		" "		3	41	10 25	30 75			
		" "		4	111	25 25	85 75			
Oct 12,	74	Wm C Massey		5	101	25 25			75 75	April 12, 1841,
Aug 21,	75	Wm Bostick		8	81	60 75	20 25	30		
	76	Charles Drury	90	1	100	75 00	25 00	42		
Nov 12,	118	" "		2	51	38 25			12 75	May 12,
Oct 11,	132	A Gano		3	51	51 00				
Aug 21,	77	F Byerly		4	81	40 50	40 50			
Oct 12,	174	Geo Sheigley,		5	300	150 00	150 00	59		
Aug 20,	21	E Woods		6	185	106 00	79 00	2 23		
25,	83h	Jas Churchman	91	3	160	40 00			120 00	Feb 25,
Oct 12,	175	E M Bissell		4	299	74 75			224 25	April 12,
Aug 20,	22	E Woods		5	101	50 50	50 50	3 09		
Oct 12,	176	E M Bissell		6	51	25 50	25 50	47		
Aug 20,	23	Pleasant Harris		8	200	100 00	47 69		52 31	Feb 20,
	24	John Miller	92	2	51	25 50	25 50	91		
Dec 29,	195	Lorenzo D Swan		3	41	26 50	20 50	22		
Oct 12,	186	H G Jones	92	4	76	57 00	19 00	07		
Aug 21,	78	Wm Bostick		5	75	56 25	18 75	33		
Oct 12,	177	Thos Holdren		6	32	16 00			16 00	April 12,
Aug 21,	79	J V Kampton		7	41	10 25	30 75	1 59		
Oct 10,	119	John W Earhart	95	1	51	12 75	27 88	39	10 36	
Aug 21, 1839,	88	E C Dougherty		2	55	55 05				
Dec 29,	196	Silas S Swan		3	41	10 25	30 75	40		
		Chauncey Swan		6	31	11 25	19 75			
Aug 21,	178	Samuel H McCrory		8	63	31 50	31 50	69		
Oct 10,	120	R McIntosh	96	2	64	32 00			32 00	April 10,
Aug 20,	25	Turner & Black		4	100	50 00	50 00			
Nov 4,	181	Chauncey Swan		5	55	5 00	50 00	25		
Aug 20,	26	Joshua Holland		6	74	18 50	55 50	2 41		
21,	81	Joseph Alger		8	121	71 00	50 00	2 17		
Nov 4,	188	Chauncey Swan	97	1	301	139 00	162 00	81		
Aug 19,	3	Ewing & Chatham		3	265	66 25			198 75	Feb 13, 1841,
June 18,	179	J P Hamilton		6	41	41 00				
Dec 12,	192	Chas J Swan		7	41	11 75	29 25	56		
Aug 20,	27	E Woods		8	176	88 00	88 00	2 78		
Dec 12,		Dolly Swan	98	2	105	105 00				



Date of Sale.	No. of Sale.	To whom Sold.	No. of block.	No. of Lot.	Amount sold for.	Amount received by Ac. Commiss'er.	Amount received by T. Agent.	Amount of interest received.	Amount yet due.	Date when last payment become due.
Aug 21,	82	Wm Bostick		4	272	204 00	68 00	1 18		
20,	28	E Woods		5	141	70 50	69 32		1 18	Feb 20,
	29	" "		7	76	38 00			38 00	20,
Nov 4,	189	Chauncey Swan		8	76	26 00	50 00			
Oct 12,	30	J Harris	99	1	77	19 25			57 75	April 12,
Aug 20,	31	P Buck		3	136	59 00			77 00	Feb 20,
21,	83	Wm Bostick		5	117	87 75	29 25	51		
Dec 29,	190	Chauncey Swan,	99	6	31	11 25	19 75			
Oct 10,	189	Wm C Massey		7	31	15 50			15 50	April 10,
Aug 20,	32	Wm Sturgis		8	57	14 25			42 75	Feb 20,
	33	E Woods	100	1	85	64 25			20 75	20,
21,	181h	John Froust		3	90	45 00	4 40		40 60	21,
Oct 11,	181	Arthur Rowan		2	67	33 50	33 50	1 22		
Jan'y 25, 1840	191	John Froust		4	44	11 00			33 00	21,
Sept 8,	211	Chauncey Swan	101	1	201	50 25	100 50	58	50 25	March 8, 1842,
	212	" "		2	217	54 25	54 25	4	108 50	8,
4,	203	Wesley Jones & Co		3	125	31 25	62 50		31 25	4,
8,	213	Lorenzo D Swan		6	100	25 00			75 00	8,
4,	204	Wesley Jones & Co		7	126	31 50	63 00		31 50	4,
8,	205	Wm C Reagan		8	150	37 50	25 22		87 18	8,
	206	L De Forest	102	2	150	37 50	37 50		75 00	4,
9,	215	James Andrews		3	200	50 00	39 00		111 00	9,
1,	201	L W Hastings		4	300	75 00	150 00		75 00	1,
7,	201	Banbury & Combe		5	250		87 62		162 38	7,
4,	207	Lanning & Layman		6	150	37 50	63 37		49 13	4,
4,	208	James Furguson		8	200	42 50	105 00		52 50	4,
Oct 1,	218	P D Harman	103	4	250	42 18	44 28		163 54	Oct 1, 1841,
Sept 29,	217	James Herron		7	200	50 00			150 00	March 29,
8,	214	James N Ball		8	250	62 50	62 50		125 00	8,
Oct 7, 1839	88	Jacob Minter	otl't	25	167	41 75			125 25	April 7,
12,	182	Lyman Dillon	"	30	125	93 75			31 25	
	183	" "	"	31	350	262 50			87 50	March 12
					35,051 75	16,864 61	8,687 40	142 51	9,499 72	







## LIST OF LOTS

## SOLD IN IOWA CITY BY THE TERRITORIAL AGENT,

Showing the minimum price and the price for which each lot was sold; the date and number of lots; the amount received and the amount yet due on the respective lots; also, the date at which the several notes become due.

Date of Sale.	No. of Sale.	To whom Sold.	No. of block.	No. of Lot.	Mini'm. price.	Price sold for.	Amount received on each lot.	Amount yet due.	Date when 1st note becomes due.	Date when 2d note becomes due.
May 11, 1841,	232	Shoemaker & Miller	81	8	\$475 00	\$475 00	\$282 50	\$192 50	Feb 11, '42,	
	233	A I Willis		5	650 00	651 00	397 00	254 00	Nov 10, '41,	May 11, 1842,
	234	Wesley Jones & Co		4	800 00	800 00	533 33	266 66		11,
12,	235	Thomas Lugar	82	6	200 00	200 00	133 33	66 66		12,
	236	" "		8	300 00	300 00	200 00	100 00		"
13,	237	Silas Foster	87	5	200 00	200 00	133 33	66 66		13,
13,	238	Hosea Johns, jr	otl't	2	350 00	350 00	116 66	233 33	" 13,	"
	239	Diodate Holt	"	29	300 00	300 00	100 00	200 00	" "	"
June 3,	240	Theodore Sanxay	78	3	350 00	350 00	233 33	116 66		June 3, 1842,
	241	Thomas Parker	91	1	500 00	500 00	166 66	333 33	" "	"
7,	242	Erasmus Tulleys	101	4	250 00	250 00	125 00	125 00		7,
9,	243	Tulley & Harman	79	5	600 00	600 00	300 00	300 00		9,
10,	244	John M Coleman	otl't	21	200 00	200 00	66 66	133 33	Dec 10, '41,	10
14,	245	Beaumont S Holmes	79	4	550 00	550 00	183 33	366 66	14,	14
16,	246	Augustus E McArther	23	3	150 00	150 00	50 00	100 00	16,	16
	247	" "	"	4	200 00	200 00	66 66	133 33	16,	16
18,	248	Jos Woodworth	97	5	250 00	250 00	83 33	166 66	18,	18
July 12,	249	Jacob Haser	68	8	300 00	300 00	100 00	200 00	Jan 12, '42,	July 12, 1842
20,	250	McArther & Coe	96	7	150 00	150 00	50 00	100 00	20,	20
23,	251	J B Hollingsworth	102	7	220 00	250 00	85 33	166 66	Dec 23, '42,	23
	252	" "	101	5	255 00	225 00	75 00	150 00	23,	23



24,	253	John H Marlan	82	3	325 00	325 00	108 33	216 66	24,	23,
Aug 14,	254	Samuel M Ballard	otl't	3	400 00	400 00	266 66	133 33	Feb 14, 1842,	Aug 14, 1842,
Sept 18,	255	Wm Corcoran	68	1	225 00	225 00	75 00	150 00	Mar 18, 1842,	Sept 18, 1842,
30,	256	John M Coleman	otl't	22	150 00	150 00	50 00	100 00	30,	20,
	257	John Hurley	"	23	130 00	130 00	43 33	86 66	30,	20,
	258	Driscoll & Jolley	"	20	200 00	200 00	66 66	133 33	30,	20,
Oct 16,	259	W W Woods	"	1	350 00	350 00	116 66	233 33	Ap 16, 1842,	Oct 16, 1842,
					9,030 00	9,031 00	4,206 16	4,824 83		



## REPORT

## OF THE SUPERINTENDENT OF PUBLIC BUILDINGS AT IOWA CITY.

TO THE HONORABLE, THE COUNCIL

AND HOUSE OF REPRESENTATIVES :

*Gentlemen:*—In compliance with law, I have the honor to submit my annual Report as Superintendent of Public Buildings at Iowa City.

The whole amount of fine cut stone laid in the walls of the Capitol, this season, is four thousand six hundred and seventy-three feet.

The number of cubic feet of dressed rock, is twenty-one thousand one hundred and forty-six feet; making a total of twenty-five thousand eight hundred and nineteen feet of masonry since the date of my report, dated Nov. 1st 1840, as Acting Commissioner.

The total amount of expenses for work, as exhibited  
by pay rolls, this season, is as follows, to wit :

	\$17,509 85
For work on Capitol,	\$10,615 75
do in quarry,	6,262 93
do on the roof,	631 35
	<hr/>
Total,	\$17,509 85

Sixty thousand brick have been laid in the walls. The second tier of joists (being the contract of Heron & Hanby, made last season,) is finished. Twenty thousand feet of oak flooring, of the best quality, has been delivered by John Ronalds, Esq., at the Capitol, and he has received his pay for the same, agreeable to contract, viz : \$429, paid by me, and the balance by Jesse Williams, Agent, (\$171,) making six hundred dollars, or thirty dollars per 1,000 feet, being the terms of said contract.

The walls of the Capitol, on the east front, are raised to the bottom of the cornice, being thirty-five feet from the ground. The walls of the west front and ends of the building are thirty feet from the ground, and the expense of raising them as high as the east front, being to the square of the building, will not be far from \$1,000. The east portico has also been raised this season.

I have caused the walls of the building to be covered with a roof, the second floor being nearly covered with plank to protect the inside walls and joists from the effects of the weather.

By referring to a report of the committee appointed last session to examine the Public Buildings, &c., the following passage will be found :

“The committee have suggested to the Acting Commissioner the propriety of dressing the pilasters in the same manner as the water-table, door jambs, &c.”



Notwithstanding I was aware of the difficulty of procuring rock suitable for cutting, I felt it my duty to act on the suggestion of said committee, as being instructions from your Honorable body. The walls were removed in the spring, that had been laid in places where it became necessary to set cut rock. Instead of raising the walls of rough masonry, they are made with range work, and make such a contrast with the cut pilasters, that the whole has a fine appearance, far superior to rough cast or hard finish.

The extra expense in erecting the Capitol, as above stated, over my last estimate, made Nov. 1st, 1840, and before I received said instructions, including extra work in quarry, has been \$8,500.

\$1,500 would have been sufficient to have quarried all the rough rock for the Capitol, this season; but in furnishing rock suitable for cutting, it became necessary to expend over that sum to enlarge the quarry, and in digging from twelve to twenty feet deeper; and then but a small portion of the rock thus procured would answer for dimension rock for pilasters.

I examined other sections of the country in order to find a quarry that could be worked with less expense, but found none, when taking into consideration the difference in transportation.

In justice to the above named committee, as well as to myself, I must say that the alteration in the manner of building (notwithstanding all the difficulties attending it) has been a good one, and has met with the approbation of all who have visited the Capitol this season.

I engaged, in the summer, William B. Snyder, Esq., as superintendent of the roof, with the intention of placing it on the building this season; but having become satisfied, when the work was some more than half done, that it could not be finished this season for want of funds, I directed him to suspend the work on the same.

At his suggestion, I employed a few hands to finish that part of the framing which had been commenced. The roof is under a shed, and protected from the effects of the weather; and also the flooring plank delivered by Mr. Ronalds.

The tools used in the quarry, and also those used on the building, and in the blacksmith shop, together with 900 pounds of iron and 200 pounds of steel, are in the vault of the Capitol under lock and key.

We have, on hand, the window-frames and sash, delivered by Thomas Snyder—five hundred bushels of lime, and four thousand bushels of sand.

The timber for the roof, partly framed and forty thousand feet of lumber, including the sheeting for the roof, is nearly all of the oak lumber that will be necessary to inclose the building and lay the floors, this is also on hand.

For a more detailed account of the expenses on the Capitol, and in the quarry, I refer your Honorable body to the report of the Territorial Agent.

All of which is respectfully submitted.

I have the honor to remain, with sentiments of esteem,

Gentlemen, your ob't servant,

C. SWAN,

*Superintendent of Public Buildings, Iowa City.*

SUPERINTENDENT'S OFFICE, }

Dec. 13th, A. D. 1841. }



## REPORT

## OF THE DIRECTOR OF THE PENITENTIARY.

*To the Honorable, the Legislative Assembly  
of the Territory of Iowa:*

The undersigned Director of the Penitentiary of Iowa, in compliance with the fifth section of the act of the Legislature, entitled "an act to provide for the erection of a Penitentiary, and establishing and regulating prison discipline for the same," respectfully reports

That, since my last report to the Legislature, of November 4, 1840, there has been but little done towards completing the Penitentiary. The Superintendent had the stone, which was quarried, hauled on the ground (except fifty or sixty perch,) which is now ready to lay up. He has had four doors for the cells completed, except the locks, which are ready to put on; six more doors are nearly completed. The Warden's house, and about one half of the main prison, is now covered, which enables the Warden to have all the convicts advantageously and securely employed; and there is ample room for three times the number to work.

The undersigned, in obedience to the act above referred to, reports the quarterly settlement of accounts of the Superintendent, ending on the 9th of October last.

On the first quarterly settlement with the Superintendent, ending January 9,

1841, I found he had issued, from the date of my last report, certificates for materials found and labor done on Penitentiary, (the greater part of which was due at the date of my last report,) \$825 95, \$825 95

April 9, 1841—2d quarter, certificates issued for support of convicts 116 48

3d quarter. July 9, certificates issued for transportation of stone

from quarries in Illinois, and for finishing doors and cells for

Penitentiary, 702 22

For support of convicts, pay of Director, guards &c., 1400 14

Certificate issued to Wells & Willson, 7100 00

————— 9202 36

4th quarter, October 9, certificates issued for trans-

portation of stone from Illinois, &c., 22 50

Pay of guards and support of convicts, &c., 523 84

————— 546 34

Amount of certificates issued from the 9th of October

to the date of this report, for the support and clo-  
thing of convicts, pay of Warden, guards, &c., 1537 90

For transportation of stone and work on doors, &c., 92 88

————— 1630 78

It will be seen, by reference to the report of the Superintendent, that there



has been realized, the present year, from the proceeds of materials manufactured by the convicts' labor, &c., the sum of \$1133.43; and from the report of the Warden, that the amount of labor done by the convicts on the garden, and of materials now on hand, amounts to about the sum of \$800. The undersigned would here observe that the first year's labor of the convicts was principally performed on the Penitentiary, so that it would appear that the proceeds of the labor of the convicts has at least paid for all the expenses of boarding, clothing and pay of guards. The Superintendent has paid off and discharged, of the certificates issued by him, the sum of \$1133.43, being the amount realized from the labor of the convicts.

Since my last report

5 convicts have been received.

2 " have been pardoned by the Governor.

1 " escaped.

4 " were discharged by expiration of time for which they were imprisoned, and

4 " are now in confinement.

The convicts have cleared and fenced a large garden during the summer. Part of the convicts have been employed in making brick, and part in the blacksmith-shop, which made it necessary to keep two guards employed.— They are now all at work in one shop, and there is but one guard beside the Warden. They are engaged in coopering and blacksmithing. The convicts have generally been healthy. From the experience of the past year, and the greater facilities now possessed in keeping the convicts at profitable employment, I believe that the labor of ten convicts would pay all expenses of their maintenance, clothing and pay of Warden and guards.

The undersigned, in compliance with the 11th section of the act above referred to, reports that he has established the following rules and regulations for the government of the convicts :

### RULES FOR GUARDS.

1st. The convicts must be so arranged, when at work, that the guards can see them all.

2d. The chain of each convict must be examined at least twice every day.

3d. The guards must talk no more to the convicts than is necessary to carry on their work.

4th. The guard on watch must never leave until he is relieved by another guard.

5th. The guards will not be permitted to punish the convicts without the Warden's directions.

### RULES FOR THE CONVICTS.

1st. The convicts must submit to all orders from the Warden and guards.

2d. The convicts will not be permitted to talk only when it may be necessary to carry on the business in which they are engaged.

3d. The convicts will not be permitted to speak to any person except the guard, without the Warden's permission.



The amount of certificates issued at the date of my last report, was	\$2302 44
There has since been issued to Wells & Wilson, certificates to the amount of	7100 00
Amount of certificates issued the past year, and outstanding,	4205 36
Amount which will be due Director on the 15th of January next, and for which no certificate is yet granted,	187 50
Amount due the Superintendent,	1000 00

Amount which Penitentiary is indebted,	\$14795 30
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The undersigned would also report, that the Superintendent has charged himself with a flat-boat, some ropes and rough stone belonging to the Penitentiary, and which were of no present use, and part of which were in a decaying condition; also, rent of houses on ground belonging to Penitentiary, amounting in all to about three hundred dollars, which will amount to as much or more than the salary of Superintendent for the present year.

The undersigned estimates the quantity of cut stone on hand at between twelve or fifteen hundred feet; there are also 170 perch of dimension stone, and 800 perch of rough stone on the ground, which would be sufficient to fully complete the main prison and the lower tier of cells.

In view of the present situation of the Penitentiary, its importance to the Territory, the necessity for its completion, that a safe and secure place of confinement may be provided for all who become amenable to the laws, and considering that the officers who have been employed in superintending its erection, and guarding and securing the convicts, have not as yet received but a part of the compensation to which they are entitled, the undersigned would respectfully suggest that the Legislature should take some efficient measures for the liquidation of the debt and the final completion of the building.

All of which is respectfully submitted.

JOHN CLAYPOOLE,  
*Director of Iowa Penitentiary.*

Fort Madison, December 1st, 1841.

## REPORT

### OF THE SUPERINTENDENT OF THE PENITENTIARY.

FORT MADISON, December 1, 1841.

*John Claypoole, Director of the Iowa Penitentiary:*

SIR—In compliance with your request, I submit to you the following report of my official acts, since your last annual report, in November last, as Superintendent.

The following certificates have been issued by me for the purpose of covering in a part of the building, including Keepers house, and for getting the stone over the river, finishing the cell doors, &c., as follows, to wit:



Nov. 18th, 1840, F. Mallet for 94 bushels of lime,	\$ 19 74
Jan. 3d, 1841, Simon Gusty for 4600 boards,	34 50
Jan. 4th, do do for 124 rafters,	12 40
" " do do for repairing house,	15 00
" 7th, George Shroop for 37 days work in smith's-shop,	27 75
" " do do for 17 do do do	12 75
" 8th, George Vanbushkirke, 12 days' smith-work,	21 00
" " do do 22 " "	38 50
" " do do 20 " "	35 00
" " C. S. Thurston for painting 4 days,	8 00
" " Stewart and Browne for coal, &c., as per bill,	20 31
" " C. Ollis for 150 perch of stone in quarry,	15 00
" " George Kiel for boarding G. Shroop 9 weeks,	22 50
" " do do for do Geo. Vanbushkirke 10 weeks,	25 00
" " Nicholas Ruly for 4 days painting,	8 00
" " R. Noble for 15 days work and board,	52 50
" " L. B. Parker 11½ days carpenter work,	23 00
" " James Wilson & Co., for iron and nails, as per bill,	59 94
" " Wells & Wilson for hauling stone as per bill,	50 37
" " Wells & Wilson for 17½ days work at 1 00,	17 50
" " H. E. Vrooman for 3 days carpenter work,	5 25
" " Jas. Sankster, 5 days cutting stone,	6 37
" " Thos. Fitzpatrick for iron, &c., per bill,	39 37
" " Geo. Vanbushkirke for 7 days smith-work,	12 25
" " Fitzpatrick & Dorsey for iron, lumber, &c., as per bill,	28 80
" " Wells & Wilson for 30 perch of stone,	52 50
" 9th, do do for stone, &c., as per bill,	162 65
1st quarterly settlement,	<hr/>
	\$825 95

The following certificates have been issued by me in compliance with an act of the Legislature of Iowa Territory, approved, 15th Jan. 1841.

*Second Quarterly Settlement.*

April 9th, 1841, certificate issued to Bell & Sapp,	\$116 48
" 10th. " as follows, to wit:	
" " K. S. Budduback for hauling 7 1-3 perch stone,	11 00
" " " " 20 perch dimension stone,	30 00
" " do do do 17½ do do do	26 25
" " John Malcom for 101½ bushels coal, at 8 cts,	8 12
" " D. Wellington for 8 days carpenter work,	18 00
" " Charles McGary for 22 h days smith-work,	39 37
" " James P. Dinwiddie for two days hauling, at 3 00,	6 00
" 22d, D. Wellington for 4 h days carpenter work,	10 00
" " Geo. Vanbushkirke for 10 h days smith-work,	18 38
" " Geo. Shroop for 13 days blowing and striking,	10 75
" " J. W. & W. G. Albright, for iron and steel.	15 40
" " B. Vanorsdall for 3 weeks boarding C. McGary,	7 50
" " " for hauling 25 perch of stone, at 62,	15 62
" " " for hauling 30 perch of stone, at 37,	11 25
" " Wm. Knotts for hauling 126 perch of stone, at 25,	31 50
" " Jacob Sherman for 315 bushels coal,	25 20



April 9, J. Sherman for 150 bushels coal,	15 00
" " D. R. Cooke for iron and steel for locks, &c.,	24 46
" " Wm. Wilson for hauling 65 perch dimension stone,	130 00
" " do for hauling 160 perch common stone,	52 50
" 28, D. McConn for hauling 40 perch stone, 75,	30 00
" " do for hauling 140 perch stone, 38	52 50
" " B. Vanorsdall, for building addition to house,	26 00
" " L. W. Babbit for ten cell door locks, 6, 18,	61 87
June 28, H. Woodforke for 7 days work and board,	15 75
" " Jason Wilson for 612 feet plank, 1, 60,	9 80

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\$702 22

The following certificates are issued by authority of the same act, above referred to, for the support of the convicts, &c., to wit:

April 28, Wm. Anderson for 5 3-5th months guarding pris'rs,	\$196 00
" " Levi Hubble for guarding prisoners 29 1-3 days,	19 56
" " John Watters for do do 58 days,	39 16
" " Wm. Anderson for guarding prisoners 40 days,	47 00
" " James Wilson & Co. for clothing &c., for prisoners,	120 05
" " D. McConn for cash spent in pursuing convicts,	21 00
" " John Watters for 31 days services as guard,	20 20
" " E. Ford for hauling wood five days for prisoners,	10 00
" " Peter Miller for materials for convicts, 1840,	67 07
" " do do for do for do 1841,	60 28
" " John Pourts for one month guarding convicts,	20 00
" " do do for 1 $\frac{1}{4}$ do do do	25 00
" " do do do 10 days do do	6 66
" " do do do for boarding self and L. Aulphe,	36 00
" " Wm. Anderson for two months and four days guard,	74 66
" " John Claypoole for 9 months services as Director,	375 00
" " do do do 3 months services as Director,	62 50
" " B. W. Gilcock for apprehending and returning three convicts to Penitentiary,	200 00

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\$1400 14

July, 9, Certificate to Wells & Wilson,

7100 00

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\$8500 14

### 3d Quarterly Settlement, July 9th 1841.

The following certificates are issued for the purpose of finishing cell doors and hauling stone, to-wit:

Aug. 1st, 1841, A. Henderson for hauling stone two days,	\$4 00
Sept. 11th, Thomas Hale for two gallons oil,	4 00
" " John Watters for boarding C. McGay two $\frac{1}{4}$ weeks	5 00
Aug. 1st do do do G. Shroop 4 weeks,	9 50

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\$22 50

The following have been issued for the support of convicts, &c, to-wit:

Aug. 1st, 1841, A. Henderson for materials as per bill,	\$65 82
Wm. Anderson for half month's services,	20 83



Sept. 11, John Watters for eighteen weeks boarding G Shroop,	42 75
Bell, Sapp & Co for materials &c. as per bill,	8 75
Thomas Hale for horse hire for pursuing prisoners,	16 75
do do bill materials for prisoners,	16 18
Wm. Anderson for boarding prisoners and guards, '40,	168 00
do do for making and washing in '40,	46 47
Minton & Basset for four thousand boards for roof,	30 00
D. Wellington for work &c. as per bill,	24 50
Stewart & Brown for materials for prisoners,	30 80
George Vanbushkirke for guarding prisoners,	7 50
S. S. White for lot of plank &c.	34 75
Walker & Hopkins for bill of materials,	10 94

Fourth quarterly settlement, October 9th '41, \$523 84

The following are issued for the purpose of finishing cell doors &c.

Oct. 25, 1841, Amos Perry for hauling 6 perch door stone,	\$ 9 00
Geo. Vanbushkirke for ten and a half days smith-work,	18 38
Geo. Shroop for twenty-three days blowing and striking,	20 00
Geo. Vanbushkirke for smith-work and board,	45 50

\$92 88

The following are issued for the support of convicts &c, to-wit:

Oct. 25th, George Kiel for one stove for use of convicts,	\$10 00
John Jinkens for guarding prisoners,	16 62
Stewart & Brown for materials as per bill,	11 65
A. L. Deming for 38 yards shirting at twenty cts.,	7 60
Geo. Shroop for 4 $\frac{1}{4}$ months moulding brick &c,	183 77
John Jinkens for twelve and half days guarding prisoners,	6 37
A. Ladd for lot of lumber for roof and brick,	70 38
Nov. 20, Wm. Augabright for 4 $\frac{1}{2}$ months guarding prisoners,	88 75
do do for 16 $\frac{1}{2}$ days do do	11 25
J. W. & W. G. Albright for materials as per bill,	11 00
William Anderson for boarding, washing, &c.	109 42
do do boarding guards, coopers &c.	118 00
Wilson, Perry, & Co. for materials as per bill,	8 35
Peter Miller for materials as per bill,	22 70
McHery & Anderson for building chimney &c.	10 75
Dec. 1st, Luke Alphin for guarding prisoners from April 19th to 1st	
Nov. 1841, at \$20 per month,	134 00
Wm. Anderson for boarding convicts,	391 20
J. Jinkens for twenty-two days guarding,	11 00
do twelve do do	6 00
John Watters for 8 $\frac{1}{2}$ weeks board of self,	17 00
do do for one month's services,	20 00
do do twenty-six days do	17 33
J. W. & W. G. Albright for bill materials,	24 70
D. McConn do do do	71 18
Wm. Anderson for one pair of oxen,	50 00



H. M. Salmon for ten cords wood,

15 00

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\$1537 90

I have paid off and cancelled the following certificates out of the proceeds of the sale of materials manufactured by the convicts and labor as follows, to-wit:

Certificate No. 186, to George Shroop,	\$183 77
do do 200, to Wm. Anderson,	391 20
do do 194, to do do	118 00
do do 189, to Amos Ladd,	70 38
do do 176, to Minton & Basset,	30 00
do do 196, to P. Miller,	22 70
do do 178, to Stewart & Browne,	30 80
do do 177 to D. Wellington,	24 50
do do 180, to S. S. White,	34 75
do do 205, to John Watters,	20 00
do do 209, to William Anderson,	50 00
do do 210, George Vanbushkirk,	6 00
do do 211, Wm. Anderson,	8 00
do do 212, George Vanbushkirke,	21 00
do H. M. Salmon,	15 00
do Wm. Anderson,	109 42

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\$1135 52

I have charged myself with a flat-boat, some ropes, accounts, and some rough stone disposed of to the amount of some \$3,00, together with the rent of houses, when collected will more than balance my account as Superintendent for the year.

Respectfully, &amp;c.,

A. LADD, *Superintendent.*

FORT MADISON, Dec. 1st, 1841.

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REPORT

## OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION.

OFFICE OF SUPERINTENDENT OF PUBLIC INSTRUCTION FOR }  
IOWA TERRITORY, Iowa City, Dec. 20th, 1841. }

*To the Honorable Legislature of the Territory of Iowa:*

The act of the Legislature of 1840-41, creating the office of Superintendent of Public Instruction, makes it the duty of that officer to submit to the Legislature an annual report exhibiting the condition of the primary School Funds; also of the primary Schools, and all such matters relating to his office and the Public Schools as he may think proper to communicate. In



accordance with the requirements of that act, I have the honor to submit to you this, my first report, and I trust I may be allowed to hope that the fact that it is the first, will be deemed a sufficient apology for the little I have to report.

The duties of this office under the act alluded to, taken in connection with that of 1839-40, establishing a system of Common Schools, are various and in their bearing very important. One of the most striking features of the former is its making it the duty of the Superintendent to use every exertion to effect an immediate organization of the primary school system in accordance with the laws of the Territory.

The act establishing a system of Common Schools, contemplates a fund as the basis of its final operations, and was, for wise purposes, passed in anticipation of realizing such a fund at no very distant day. The subject has thus very judiciously been brought before the people for their consideration and approval, and a year suffered to pass away without any attempt, on the part of the Legislature, to carry it into effect. That body, at their last annual session, actuated by the most laudable motives—feeling deeply the importance of education, and in a community growing as rapidly as ours is, of commencing early in a systematic manner—wisely resolved that with the first organization of townships should commence also, the organization of School Districts. Hence the “act creating the office of Superintendent, &c.

At the time I was honored with the commission for that office, I was in a great degree a stranger to the peculiarities of a Territorial government. Possessing an ardent zeal for the furtherance of a favorite cause, I fondly anticipated much—I soon found, too much. My original intention was to have visited the several counties in the Territory, and by public lecturing, &c., endeavor to call the attention of the public to the importance of united and systematic action. Several objections, however, soon presented themselves. No organization of townships had as yet taken place—there were no school inspectors—no school districts. The “act to provide for the organization of townships,” in the 8th section, provides for the election of certain township officers, but not for inspectors of schools; this requisition being made in the 23d section of the school act of 1839-40; an act which I have found was at that time not generally known; and I have learned that in several cases attempts were made to organize under the act of 1838-39, that being the one supposed to be in force. The clerks of the several districts being governed by the “act for the organization of townships,” and not having noticed the requisition for school inspectors in the 23d section of the “act establishing a system of common schools,” omitted, in their notices to the townships to hold their township meetings, to name school inspectors in their lists of officers. This omission was not noticed by me until too late to rectify it to any great extent. On pointing out the omission to the clerk of Des Moines county, he caused the necessary corrections to be made in the Burlington papers, and the editors of those papers called the attention of the public to the matter in their editorial departments. It followed, as a matter of course, that, acting under the organization law, in a majority of cases, there was no election of school inspectors, and consequently no school districts were formed.

Under all the circumstances, I doubted the policy of making the intended tour, and sought the counsel of those better acquainted with the Territory



than myself. Among those consulted was his Excellency Governor Lucas, then the Executive. I had the satisfaction to find that he fully coincided with me in opinion as to the impolicy of travelling until, by an attempt at district organization, the effects of the system might be noticed, the system itself become known, and the community prepared for action. That the best service I could render the public during the first year, and the most effectual way to carry into effective operation the primary school system in accordance with the law, would be to direct the attention of the proper officers to the subject—give the necessary instructions—disseminate such information as the circumstances of the case might render expedient and necessary—watch the various operations—ascertain the feelings and wishes of the community respecting the law itself as a whole or in part—to collect all such information relating to the subject as might be considered interesting and useful—and finally, from the information obtained, form a plan of operations under the system, either in its present, or in an amended form, that we might be prepared to act in a systematic manner without being subject to continued alterations. I have since conferred with the present Executive, and had the satisfaction to find that he too approved of the plan adopted.

My first official act was to issue a circular to the several district clerks. (a copy of which accompanies this communication.) It will be seen that their attention was directed, in a particular manner, to those sections of the school law which referred to their official duties, and that they were called on to make their reports in accordance with the requisitions of that act. These reports should have been made before the 20th November last. I regret, however, that but three counties have reported, and that these are not as full as desirable. It is exceedingly to be regretted that any citizen of our proud Territory should feel anything like indifference to the interests of our schools—to education. That he should imagine he has no interest to secure—no influence he can exert—no information he can give—no duty to perform or talent he can improve in this all important cause, for which he is accountable both to his country and to his God. But it is still more to be regretted that the objects of a wholesome provision should by any means be retarded or defeated by the neglect of a well defined and important duty, imperative on those to whom the people have committed such a trust.

The excuse, in several cases, however, for this neglect, is as follows:—Some counties have not adopted the township organization, and in those that have adopted it, the school inspectors (even where they have been elected,) have not divided their townships into school districts; and in others where this has been done, the proper steps for their organization has not been taken. Finally, the district officers, from a want of proper means of knowing the law and appreciating its objects, neglected to make their reports, upon which all the others are designed to be founded.

Notwithstanding there has been so little reported from official sources, I have not neglected to inform myself on matters of general interest from other respectable sources, in each county in the Territory. And, although from the above remarks, rather an unfavorable impression might be gathered, I am happy to be able to state that the result of my investigations has been of a cheering and encouraging nature. The interest taken in schools and the school law, almost universally, and the fact that the interest is daily increasing, cannot fail to be highly gratifying to every person who is anxiously



looking forward to the time when we shall have a good "system of public instruction," and the funds to enable us to carry it into effect. The flood of emigrants that is so rapidly settling our Territory, seems to bring with it the right spirit, and there are very few neighborhoods where there are a dozen or twenty children that can be collected, in which there is not a school, and if it is not of the best kind it is the best they can get, and consequently creditable to them.

The three counties which have reported are Clayton, Lee and Des Moines. To the first of these (Clayton) I can do no better justice than to give the substance of the official communication; it is as follows: "The county of Clayton is in its infancy. No township organization has been made—no school inspectors elected, or any other legal steps taken to forward the cause of education. There have been schools taught in two places only, neither of which have reported. I can, therefore, say nothing of their character.—The "low ebb" of schools is not, however, to be attributed to any disregard which is felt by the population on that important subject, but to the nature of circumstances which can only be controlled by time. The county is settled only in small detached neighborhoods, most of which have too few children to form or support schools, and in most cases the distance between settlements is such as to prevent their uniting for mutual support. The county, however, is fast settling and the interest for schools increasing." I would observe here that the above communication contains the substance of what may be said of all the new counties where there has been no organization of townships.

Des Moines. This county has nine townships, viz: Burlington, Union, Augusta, Flint Run, Danville, Benton, Franklin, Pleasant Grove, and Yellow Spring, all of which have organized except Union. Those organized, except Benton, have elected school inspectors, but none of them have made a report of their doings. This is a matter of some surprise to me, for being personally acquainted in that county, I am convinced that materials are not wanting for furnishing reports both creditable and interesting. "There are several good schools in that county, and they are liberally supported. The city of Burlington has seven schools; one in which the higher branches of an English education and the Classics are taught, and another devoted to the education of young ladies."

Lee county has thirteen townships, only four of which have reported.—There are Denmark, West Point, Washington and Van Buren. These townships have been divided into districts, most of which appear to have organized and are acting under the law, and in Denmark, Washington and Van Buren the prospects appear very flattering. Taxes have been voted in several instances, as the reports will show." They are as follows, viz:

Denmark township has five school districts.

District No. 1, Has forty-five persons between the ages of 5 and 21 years.

do do " Voted to have a school four months during the summer and three during the winter.

do do " Voted a tax of \$103,21, \$90,00 of which is for the support of schools, the balance for library purposes.

Districts No. 2 and 3, No reports.

District No. 4, Has sixty persons between the ages of 5 and 21 years.



do do " Voted to raise a tax of \$70,00 dollars to defray the expense of building a school-house, and \$5,00 for library purposes.  
 District No. 5, Has twenty-six persons between the ages of 5 and 21 years, and no further report.

Washington Township has nine school districts.

Nos. 4, 5 and 9 only have reported.

District No. 4, Has seventeen persons between the ages of 5 and 21 years.

District No. 5, has twenty-six persons between the ages of 5 and 21 years.

do do " had a school three months.

do do " raised \$18 for support of school.

District No. 9, Has eighteen persons between the ages of 5 and 21 years.

do do " has kept a school three months.

do do " has raised \$15 for support of schools and \$5 for library purposes.

Van Buren township has eight school districts, only two of which have reported.

District No. 1, Has twenty-one persons between the ages of 5 and 21 years.

do do " has had a school seven weeks and twenty-four scholars attended.

District No. 8, Has twenty-four persons between the ages of 5 and 21 years.

West Point township has four school districts. None have reported.

Although there has been no official report from Van Buren county, the townships have organized. Several have elected school inspectors and the townships are divided into districts, many of which have organized and are acting successfully under the law. The consequence of which, as may be supposed, is that the schools are improved and the interest in them increased.

In Louisa county the townships have organized and there are several organized districts, some acting under the law, have, I am informed, reported to the Clerk of the Court, who not having reported to this office, I can only speak from personal observation of the schools. There have been several taught in the county during the past summer—some very good—and there are several in operation this winter. There appears no want of zeal. Want of school-houses and teachers, and the scattered situation of the inhabitants pleads excuse. The county is settling very fast.

Our larger towns, Bloomington, Dubuque, Mount Pleasant, Fort Madison and Iowa City are all very creditably supplied with schools. In the latter there are four schools. One just commencing operations under my own superintendence is designed to be a permanent institution, and to afford to youth of both sexes, every facility for acquiring all the branches of an academic education; and as far as opportunity offers, it will be made useful to those who may wish to qualify themselves to teach. One of the other schools is devoted mostly to the interests of female education, and the others are common schools.

There are within my knowledge many cases where townships have organized, inspectors have been chosen and districts formed and organized where the directors have made no returns. The difficulty, and in many cases, the impossibility of procuring a copy of the law, and even when it is obtained, of understanding it, forms the principle excuse, so far as I am informed, for the neglect. It is certainly true that the language of our statute books is more difficult to be understood by ordinary readers than any other; perhaps because



they are less read. It would appear to be desirable that an act designed for so popular use should be presented in as popular language as the nature of the case will admit. No serious objections seem to be made to the act itself farther than "it is so hard to be understood;" this complaint is very general. This difficulty may be overcome by publishing the school act in pamphlet form accompanied with explanations and directions on those parts that are at this time practicable; and this is what appears to be wished for and expected by the people.

No doubt there are some features in the act which it might be well to alter, and which will eventually be altered; but as the time, in all probability, is not far distant when we shall become an independent State, and consequently be able to provide other and more effective means for carrying a system into operation, and have even those means to Legislate about, and as the provisions of the existing act are sufficient for all present purposes, if put within the reach and understanding of the people; it may be more advisable to let it remain in its present form, than to subject ourselves to so frequent a change in our operations; a fault which, in the older States, has been attended with the most discouraging consequences.

I would, therefore, respectfully suggest the propriety of having published, under the direction of this office, such a number of copies of the "act to establish a system of common schools," and the "act creating the office of Superintendent of Public Instruction," and blank forms for returns, &c, accompanied with such explanations and instructions as are necessary for their perfect understanding, as may be thought sufficient to supply all reasonable demands for at least one or two years. These may be forwarded to the Clerks of the District Courts, whose duty it may be made to apply for such number as may be needed in their respective counties, and when received by them, distributed to the township Clerks, and by them to the school district clerks. This will open a direct communication between all the officers concerned in the system, and serve to put it in motion.

It is proper here for me to observe that the office of Superintendent is no nominal one. The law itself requires of him the discharge of important duties; the title would seem to demand of him others—and the wants of community do actually demand *many* others. There is no officer whose whole time and talents could be so profitably spent and exerted in the service of such an unparalleled growing Territory as this. To render himself generally useful, he must devote at least one half of the coming year to travelling thro' the Territory. He must visit, not the larger and county towns only, but he must take such steps as will make his influence felt in every neighborhood in the Territory. This cannot be done without incurring considerable expense. What measures shall be taken, I respectfully submit to the wisdom of your honorable body with the full conviction that you will, under all the circumstances suggest the proper course and means.

The astonishing rapidity with which our Territory is being settled by emigrants from every part of the Union, seem to call on our Legislative body for earlier and more efficient action than has ever been made by any other State or Territory. Legislation in anticipation can hardly be avoided; we are hastening from infancy to maturity with such rapidity that we are forced to keep a vigilant eye to the future, and the education of our youth is one of those matters about which we cannot be too vigilant, nor begin too early to



make provisions—to devise the ways and means. We boast of being an intelligent people ; let us manifest our intelligence by the wisdom, the energy and liberality with which we provide for the intellectual training of the rising generation. There is much—may I not say every thing—to do except it be to undo errors ? We are just beginning to act. Let us act worthy of ourselves, and aim at nothing short of a system of education that shall be public, not in name only, but one that shall be public in the full sense of the word ; one that shall render our schools free the year round to every child in the Territory, and let us see to it that the schools are good ones.

No one will, it is presumed, feel at all inclined to question the right of every child to an education. It ought to rank among “the natural and inalienable rights of man.” Children are not capable of taking care of, and providing for themselves ; they have, therefore, a claim on others for everything which is necessary for their comfortable support. They will, when arrived at a properly matured age, be expected to perform certain duties, not only to themselves and their families, but to society and to God ; all of which may have an important bearing upon society, and which they cannot discharge in a proper manner without a proper developement of their physical, intellectual and moral powers. Hence their claims to an education. And though the claims of children are first on their parents, as their natural guardians, yet in case of the failure of parents, from inability, carelessness, or otherwise, their claims on society will be equally strong, though by no means to the same extent. Children have claims upon their parents according to *their* means and their *own* capabilities. Their claims upon society extend no further than to the acquisition of such a degree of training as will enable them to take care of themselves, and pursue, with advantage their *own* education. The parent whose circumstances are such as to enable him to carry the education of his child beyond an elementary training, is bound to do it, nor is he justifiable in neglecting the full developement of the physical, intellectual and moral faculties of his child for the sake of laying up for it wealth. Society is bound to do no more than to give it such an education as will prevent its becoming a burden to others, and that shall fit it for the performance of those relative duties for which it is held accountable to that society. This is the least amount of education for which society is bound. But let us bear in mind that just in proportion as this standard is exceeded by the munificence of society, will the intellectual and moral state of that society be elevated.

To enter into a formal discussion of these points is deemed as unnecessary, as out of place. It is presumed they are assented to by every person who has reflected much on the subject. All ! all, admit the importance, yea, the indispensable necessity of education. Its praise is sung by young and old, rich and poor. Were a foreigner to judge of our American schools and school systems, by the importance we attach to them, and to education, generally, as manifested by our professions as a people, he would be led to conclude that our nation formed one great society for their promotion, and that every citizen was an active member, ready with heart, hand and purse to advance the common cause. However honest may be our professions, practically we admit that education is one of those items in our policy that may on occasion, be dispensed with with impunity.

It is certainly very natural to conclude that the education of our youth is



one of those interests that may be left, with all safety, to take care of itself. Facts, however, show the fallacy of such a conclusion, and facts are stubborn things. From the nature of the case, one would suppose it as necessary to pass a law obliging parents to furnish food and clothing to prevent their children from starving and freezing, as to provide by law for the cultivation of their minds. But what does experience tell us? Does it not tell us that it is just one of those things about which parents are particularly careless, if not even indifferent? Go throughout our beloved country; this boasted land of enlightened freemen; and does it not tell us that the education of our youth is treated as a matter of secondary importance when it impedes the progress in the way to wealth? Now this is considered as a matter of such supreme importance to society—to the State—one so precious in its nature, and one so liable to be neglected, that legislators find it necessary to devise plans for effecting that, by law, which fathers and mothers ought to feel bound by every tie of parental affection and care to have done voluntarily. From these premises arises the great and important question in the minds of Legislators. What means can be devised to induce all parents to send their children to school? To effect this great object, various means have been adopted. Is it not strange, and to us Americans, rather a humiliating fact, that one Government only, and that a Monarchy, has devised the means of doing this?—Strange, it is, but equally true, that in Prussia every subject is not only obliged to contribute to the support of the public schools, according to his means, but he is obliged to participate in their benefits by sending his children to school at least seven years. “No excuse, whatever, is admitted short of physical inability or absolute idiocy. Well may we look on such an exercise of absolute power with wonder; and who does not contemplate it with admiration?

It were useless to say that coercive measures like those resorted to in Prussia, would, to say the least, be inexpedient and unnecessary in our country. But surely our Governments ought, by all means, to devise such plans in reference to this all important question, as to raise their citizens, in point of intellectual and moral acquirements, above the level of the subjects of a despot. Our kindness in providing for the education of our children, should not be surpassed by that of a master to his servants.

Every state in our Union, where schools are in any way supported by law, has, in an indirect manner, had recourse to coercive means. It would be impossible to pursue a system without so doing. It is true, this authority is disguised in the various ways of taxation, but this does not alter the case.—It is, so far, coercion, and so far the right is conceded to our Legislatures, and this is as it should be. In every country the Government is considered in the light of a parent to that country. Now if this be true in any country, how eminently is it so in our own! Then certainly it is the unquestionable duty, not only of the General, but also of each of the State Governments, to provide for the well being of society, for its own existence, safety and health ~~the~~ operations.

Society may be in two conditions, either of which would render its government easy. It may be well informed, or it may be very ignorant. In the former case, the people are capable of governing themselves. In the latter they become the willing dupes and slaves of despots. The most dangerous state, undoubtedly, is the transition from one of these to the other. We



boast of being the only nation which has passed this ordeal. But have we no reason to fear that we have not altogether escaped its limits? It requires neither the spirit of prophecy nor the wisdom of a sage to discern that our destiny depends mainly upon the character of our schools. The school-master must understand his duty and he must perform it.

From the very nature of our Government, every man should have such an education as to fit him to bear a part in its management; and "he should have moral and political honesty enough to make a right use of it." In theory, every citizen is a Legislator; let, then, practice see to it that our citizens are fitted for their duty. In our country the will of the people is the law of the land. They declare that will through the medium of the ballot box. The poor man's vote counts as much as the rich man's—the most ignorant or vicious, as much as the wisest and most virtuous. In some of the States a certain amount of property is made a qualification for voting. With how much greater propriety might a proper degree of knowledge be required?

It argues but little that "we have" good systems of education—that we excel other nations in point of intelligence. There are many reasons other than those already enumerated, why we should make better provisions for the education of our children than any other nation under Heaven—and why, as a nation, we should be far more intelligent, far more virtuous, and far more religious than we are.

There is not a State in the Union that can make anything like a reasonable apology for the little it has done for education—for the support of its schools—for its comparative want of intellectual and moral worth. There is not a State in which the schools are absolutely free to all the children. In some States the schools are free for a short time during each year, and several of them have increasing school funds and are evidently aiming at the right mark, viz: to make the schools eventually free to every child the year round. To effect this great and benevolent object at once, requires only that the people be made rightly to understand the subject, that they may be convinced how infinitely it would be to their interest, not only in a moral, but in a pecuniary point of view. Why are those States, where Legislative care is most exercised, so ready, every few years, to increase their taxes for the support of schools? Is it not because experience has taught them more and more the benefits of the free school system?

Let such a system be adopted to its full extent in any one of our States, or in our Territory, and a properly educated teacher placed at the head of every school, and let the whole of the present rising generation be thoroughly educated under it, and who among us could be made to believe that it would ever after be laid aside for any other system? It is generally admitted that to prevent crime is much easier than to cure it. That such a system would do much to prevent it, is certain. That it would save many a dollar now expended in visiting amusements, at the same time that it would add to our fireside enjoyments by rendering them intellectual, and that it would elevate the standard of moral and religious excellence, thereby rendering society happier and our institutions more permanent, "is as clear as though it were written with a sun-beam on the margin of the heavens." No one doubts it.

In order to have good systems of education, some thing more is necessary than the mere enacting of laws. Here is a stream that to flow on in its course unobstructed, must emanate from the proper fountain. That fountain is the



will of the people; if they will to have good schools, their wills must be obeyed; they will have them. Their Representatives dare not disobey the call. Good systems *will* be devised, and they will be carried into effective operation. But if the people are indifferent—if they repudiate Legislative action—if they refuse the necessary aid, and throw abstracts in the way, Legislators dare not act, and even if they do it, it is worse than useless formality. No system of education can ever be useful without a hearty co-operation of the people with those whose duty it is made, by law, to carry it into effect, and these officers must co-operate with each other. And it should ever be borne in mind that no school district can continue a good school, for any length of time, where the inhabitants do not act systematically. Every cause that requires public action, requires organization—system. We spare no pains, or money, (I probably might say) to organize our various political and religious parties—to act systematically, shall we value our schools—those nurseries of free politicians, and of christians *less* than those? Certainly not.

Schools must cost money, and if we would have good schools, the money must some where be raised for their support. Our American citizens do not in general, pay grudgingly their school bills, but there seems every where to exist a natural repugnance to taxation. It is true, I believe, that they will pay five dollars in any other shape rather than one by tax. Perhaps we inherit this dislike to taxation from our forefathers. But let it not be forgotten that taxation, by our own consent, does not lessen our freedom; nor will the amount paid for schools, even were they altogether supported by direct taxation, (a course I have no disposition, at present at least, to advocate) make us a whit the poorer. It would be but putting our money out of our hands into our pockets for safer keeping.

The enquiry is already being made as to the best means of creating a permanent SCHOOL FUND. Although we are not at present prepared to act on this subject, in a Legislating capacity, we are, it is presumed, all prepared to think about it. I would, therefore, respectfully submit the following outline of a plan for consideration.

There are, within the present surveyed limits of the Territory, about 320 sections, called 16th sections, which will come into our possession on our admittance into the Union. Each of these sections containing 640 acres; the whole number of acres is 204,800. If from this we deduct one fourth as waste land, we shall have remaining 153,600 acres, which we may reasonably suppose to be of a superior quality, and long credit being given, would be worth, at a moderate calculation, \$5 per acre. There would be no good reason for forcing this land into market; it may be sold as discretion may require. Let a minimum price be fixed, I should think, as high as \$5 per acre, and the terms of payment as follows, viz: One fourth in hand, the remaining three fourths to be divided into four equal installments; one fourth of which shall become due in five, the second in ten, the third in fifteen and the fourth in twenty years; the interest on the whole to be paid annually, and the whole secured by bond and mortgage.

The 153,600 acres at \$5 per acre, would amount to \$768,000, the interest of which, at six per cent, will be \$46,080 per annum, at ten per cent \$76,800 per annum. The first of these rates, which is probably enough, would be a very handsome income of itself, and I have no reason to think it over-rated.



To this, however, may be added the two per cent on the sale of public lands, fines for penal offences and escheats, exemption from military duty, &c.

Moneys arising from breach of the penal laws, exemptions from military duty, &c. I have not ascertained the disposition made of these funds. They have never, so far as I am informed, been devoted to the purpose designed by the law. I shall make it a matter of early investigation, and as far as possible, correction. I am inclined to think some legislation is necessary here.

Much might be said on the subject of school-houses, school teachers, libraries, &c.; but in our present situation, nothing definite can, as I conceive, be done.

Would it not be advisable to annex to the school act, when printed, two or more plans and descriptions of school-houses? It would be likely to insure the erection of convenient houses. Be the workmanship ever so cheap or coarse, arrangement is of vast importance.

It is to be regretted that our situation is such that good teachers are so hard to be found, and when found, that we are so often unable to pay them according to their merit. If our Honorable legislature could do something toward remedying this deficiency, which is a growing one, it would be worth more than all they can do at the present time for the promotion of higher seminaries of learning. No one can attach more importance to academies, colleges and universities than myself. We shall need them, and must, eventually, have them. But our common schools are now of infinite importance. It is here our citizens are to be made. If our young men and women could be made to view the matter in its proper light, and set about the work of self-improvement in good earnest, and qualifying themselves for teaching with becoming ardor, probably they might do more for the cause than we can, at present, look for from any other source.

WM. REYNOLDS,

*Superintendent of Public Instruction.*



## REPORT

## OF THE WARDEN OF THE PENITENTIARY.

*John Claypoole, Director of the Iowa Penitentiary:*

SIR—In compliance with the 2d section of an act of the Legislative Assembly of the Territory of Iowa, approved January 15, 1841, I herewith present the following report:

On the 15th of January last, the date of my appointment as Warden of the Penitentiary of Iowa, I had in charge five convicts. I also received two on the 15th of March, and one on the 6th of May, who was pardoned by the Governor on the 29th of the same month. I also received one on the 6th of June, and one escaped on the 22d. I discharged one on the 16th of July, and one on the 16th of August, they having served out their time; and one was reprieved by the Governor on the 20th of October. The above is all the convicts that have been committed to my charge since my appointment as Warden; and the convicts thus under my control have been employed as follows, to-wit:

From the 15th of January to the 5th of April, they were employed cutting wood, getting out cooper's stuff, and clearing and fencing a large garden on the penitentiary ground.

For the use of garden, &c., I have been charged, by consent of

Superintendent, with	\$44 50
Also by 30 days work of convicts at 75,	22 50
Also for smith's-work, coopering, &c., to the amount of	14 50
Work for Gay, Wells & Co.,	13 87
do for B. W. Gillock making fence,	7 50
do for John A. Drake,	15 00
do for do do	21 37
do for John Deloplain,	3 50
do for J. C. Walker and others,	11 25
April 14, 1841, work for corporation on wharf,	29 75
Work for R. A. Russell,	9 75
	<hr/>
	193 49

The following amounts have been realized from the sale of articles manufactured by the convicts, to-wit:

From	D. McConn for brick, &c.,	\$56 33
do	P. Miller for brick, lime, &c.,	54 60
do	D. Wellington for brick and lime,	51 65
do	J. Claypoole for smith-work,	5 82
do	J. S. Waugh for smith-work,	4 00
do	Wm. Augabright for labor and smith-work,	4 50



From	L. Alphin for labor and smith-work,	\$ 4 75
do	J. Knapp for lime,	2 00
do	S. A. Walker for brick,	80
do	H. W. Hughes for brick, &c.,	1 05
do	J. C. Walk for smith-work,	38
do	A. B. Simms for brick,	6 40
do	A. Scott for smith-work,	88
do	G. A. Walker for brick, &c.,	6 90
do	J. C. Morehead for brick,	14 00
do	J. Webster for two well buckets,	3 00
do	C. Coats for smith-work,	8 00
do	S. S. White do	6 00
do	H. Taylor for two well buckets, &c.,	3 75
do	H. Mitchell for smith-work,	13
do	S. B. Ayres do	4 38
do	J. W. & W. G. Albright, for brick and lime,	16 00
do	J. Carroll for smith-work,	16 77
do	George Bery do	2 50
do	Houston for brick and lime,	5 00
do	J. B. Rose for coopering,	25
do	Stewart & Browne for work in board yard,	3 00
do	H. Clark for one well bucket,	1 50
do	Wilson, Perry, & Co. for 66 barrels at 1,25	80 00
do	H. Darly for smith-work,	2 88
do	A. Doolittle for do	3 88
do	A. Anderson for do	2 50
do	Fitzpatrick & Dorsey for brick and smith-work,	15 00
do	E. Ford for smith-work,	2 63
do	Mr. Lewis for do	2 25
do	A. Ladd for brick and lime,	247 80
do	George Kiel do do	165 00
do	Thos. Halse for smith-work,	4 06
do	A. Henderson for smith-work, brick, &c.,	14 89
do	H. Denyman for one well bucket,	1 50
do	B. Vanorsdall for smith-work,	27 75
do	J. Sawyer for do	4 13
do	John Wilson for do	1 25
do	J. McAlhany for do	50
do	J. G. Boncray for brick and lime,	8 00
do	Wm. Knapp for lime,	1 13
do	Stranger for lime,	1 00
do	J. G. Chapman for brick and bucket,	2 05
do	J. Oniel for lime,	1 00
do	Mr. Morgan for brick,	8 00
do	S. C. Toop for one bucket,	1 50
do	J. Helman for smith-work,	25
do	Mr. Thornhell for smith-work,	88
do	Stranger and traveller for smith-work,	31
do	B. Graham for smith-work,	1 50
do	H. J. Woodforke for brick,	13



From	Walker & Hopkins for three well buckets,	\$ 4 25
do	J. Stephenson for brick,	6 00
do	S. Robinson for smith-work,	38
do	H. Ray for do	25
do	Doct. Farnsworth for smith-work,	1 25
do	J. Cutler for do	50
do	A. L. Deming for six well buckets,	8 50
do	Wm. N. Shaw for lime,	13
do	H. J. Holtzerman for smith-work,	25
do	J. Bricke for brick,	2 00
do	J. Dellard for smith-work,	75
do	R. Fohy do	13
do	Mr. Lowe do	75
do	Mr. Cowen do	63
do	S. Cochran for smith-work and brick,	6 76
	For odd ox sold to J. Allin,	20 00

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\$1133 03

The above amount is all that has been received from the labor of the convicts. The balance of work performed by the convicts is as follows:

Work on garden and getting out cooper's stuff, about two hundred dollars. Work on Penitentiary, covering in and fitting up shops and dressing up cooper's stuff, about two hundred. Amount of brick on hand, fifty dollars worth. Amount of cooper's stuff on hand, about four hundred dollars worth. Making in all, about two thousand dollars. And the whole amount of days work performed by the convicts since the 15th of January last, is fourteen hundred and twenty-three days.

The expenses of guarding, clothing and boarding of the convicts, amounts to about \$1150 since the 15th of January 1841, and the amount of pay to brick moulder, about \$250. I then purchased a pair of oxen and stove, the cost of which is included in the expenses for the year.

Respectfully,

WM. ANDERSON.

*Warden of Iowa Penitentiary.*

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## REPORT

### OF THE COMMITTEE ON COMMON SCHOOLS.

Your committee, in submitting a report on this subject, conceive it unnecessary and out of place at present to offer any arguments in favor of a well organized system of Public Instruction, being fully sensible that it is almost universally admitted by the citizens of every portion of our Union that the dissemination of knowledge, among every class of people, in a Government



instituted and conducted like ours, is indispensable to its well being and perpetuity. To neglect the mental culture of the succeeding generations, from time to time, would eventuate in a neglect and decay of our liberal institutions. This your committee would not for a moment believe could be intentionally done by any one, but might be led into it by a mistaken policy. This, we believe, has been the case with most of the new States, and in consequence of which they now present a most lamentable low degree in the scale of mental culture. Iowa should improve by the lights afforded her by the States, as well on the subject of education as on other important policy. We observe those States with but few benefits resulting from their present systems of education. And why is this so? It cannot be on account of a want of pecuniary means, because we know they have such means; but must be for the want of a proper law regulating its application, or the application of any funds which they may voluntarily raise from among themselves, in any particular district, and wish to apply to that object. It is necessary, for the proper advancement of education, that there should be laws prescribing the manner money shall be raised and how applied. Under such a system, with a competent Superintendent giving his constant attention to the subject, keeping the importance of education before the people, and stimulating them to organization, at no very distant day, with no other means than individual resources and the funds, in certain cases, which the law now provides for the purchase of libraries in School Districts where organization may have taken place, we may be able to present to the world the most perfect system of education in the United States.

Your committee ~~are~~ <sup>is</sup> of the opinion that the failure, in the new States, in the organization of a proper system of Common Schools, is attributable more to a want of interest and a mistaken view of the policy necessary to be adopted to ensure the advancement of the cause of education, than any want of a school fund. These States have pursued the policy of husbanding their means, contending they are too new and too sparsely settled to commence a system of education; some of them have even neglected to enact but the most imperfect laws for the regulation of their schools. This excuse of being too new to commence a system of education has had the effect to discourage those who would otherwise have used the most active and laudable efforts in favor of its advancement. And thus we see them, after enjoying the advantages of a State Government for twenty or thirty years, presenting the unfortunate condition, at this time, of being almost destitute of any organized system of education, and exhibiting an aspect on which no hope can be reasonably founded to justify the expectation that soon their condition will be much improved.

This state of things should be avoided by Iowa if possible. And your committee are of the opinion that it cannot be more effectually done than by a maintenance and perseverance in the system we have already commenced. To make a change in our system at present, indicative of an inability to progress in our undertaking, would produce an effect much to be regretted by all who are friendly to the cause of education. It would discourage all those who have been flattered with the hope of soon realizing the benefits of a good system of schools, and would react and throw us back further than if we had never enacted one section of law on the subject, and go far to confirm the erroneous, but too frequent opinion, that we cannot have a regularly organized



system of schools from which benefits can be derived by the people without having a large school fund at the control of the State or Territory.

There can be nothing more at variance with reason and common sense than such an opinion ; because under the present school law, a majority of the legal voters of any school district, at their annual meetings, may impose a tax on themselves for the support of a school. And there have but a few instances came under the observation of your committee, where it has been attempted without success. And how much less frequent would be the failures, were we by our Legislative acts, to give constant encouragement to their efforts.

In order to do this, your committee think it highly important to continue the office of Superintendent of Public Instruction, and give it every encouragement that our means will possibly justify, that its influence may be felt throughout the Territory. If it is necessary at any time to have a Superintendent for the purpose of completing a system of public instruction, it is certainly more important at the incipient stage than at any other time, because it is then that we stand more in need of information ; and it is reasonable to presume that a competent Superintendent can and will impart to us annually the information requisite from which to make up a good system of education.

Your committee have been informed by the Superintendent that he has already commenced quite an extensive correspondence with scientific men in the States, the object of which is to obtain statistical information, and various other matters, for the advancement of the cause of education in this Territory. It will also be the duty of the Superintendent to furnish to the schools in the Territory, the best school books, also recommend and establish a uniformity of books in the schools, and assist the districts in the selection of their libraries—which cannot be but imperfectly done without the assistance of a well qualified Superintendent ; because it is not to be presumed for a moment that every school teacher is qualified to select the best books for the use of schools, nor is it to be admitted that they would all have the same taste in the selection of school books ; and consequently we would see great confusion in schools for the want of a uniformity of books. Your committee, therefore, are deeply impressed with the importance of a Superintendent of Public Instruction in the organization and harmonious action of a proper system of public instruction, and hope that the office may be continued and every reasonable encouragement be given the Superintendent, that the utility of the office may be experimentally tested before it is condemned.

Iowa, at present, occupies high ground in point of intellectual cultivation. The late census of the United States exhibits the statement that there are a less number of persons in Iowa, in proportion to the number of inhabitants, twenty years old and over, that cannot read or write, than in any of the Territories and most of the States in the Union. This is certainly very flattering to the citizens of Iowa, and should and will encourage them to maintain their high character for intelligence.

Your committee, in conclusion, would recommend that some steps be taken for the establishment of Libraries in the school districts. Nothing could have a greater tendency to diffuse knowledge among every class of citizens than such a policy. It would bring the means of information to every person, and they would soon acquire a taste for reading—and, having that object in view, your committee report a bill, and ask to be discharged from the further consideration of the subject.



## REPORT

OF THE SELECT COMMITTEE TO WHOM WAS REFERRED A BILL  
REGULATING GROCERY LICENSE.

Your committee ask leave to report, That they have had the same under consideration, and upon mature reflection are of the opinion that the general system of licensing groceries is incorrect in principle as well as in policy :

In principle :

First—Because it is using the force of law in a case where it is not applicable.

The force of law is applicable in all cases where there exists a perfect right to exercise such force. This right exists in all instances where the action of the offender infringes the rights of others. But where the action does not interfere with the rights and privileges of others, the right to restrain said action is called an imperfect right, which kind of right cannot be asserted by force from the fact that to enforce such a right would be to act in violation of the natural rights of individuals.

The law should never speak but to command, nor command but where it can compel. Therefore, the force of law cannot be applied to the case of the dram-drinker, because it is his natural right to enjoy liberty and pursue happiness in his own way where he does not infringe the rights of others ; and that right cannot be violated by the authority of any adventitious right guaranteed to any legislative body.

To restrain the appetites of men or enforce moral duties, such as temperance, benevolence, &c., is in the nature of things, above the jurisdiction of legislative power, because the right so to do is an imperfect right.

And your committee are of the opinion that the practice of licensing groceries is incorrect in principle :

Secondly—Because it is in effect levying an unequal tax upon community and appropriating the avails of that tax to the common good of the civil institutions or body politic, which is contrary to the spirit and democracy of our republican institutions. That it would be equally correct in principle to levy a direct tax upon the tobacco chewer as to levy it upon the dram-drinker. It is true that the dram-drinker is the most likely of the two to disturb the peace of community ; but there are other laws by which he is accountable for such disturbance of the peace, which laws are as rigidly enforced as if no tax had been paid by said dram-drinker for the privilege of drinking what he pleases. Now your committee think, that according to the principles of inflexible justice and equal rights, the individual who pays a tax for the privilege of drinking, upon the ground that he is likely to disturb the peace, that he should not be liable for such disturbance in any other way, or if he is liable by other laws he should not pay such tax.

And your committee think it to be wrong in policy to license the selling of spiritous liquors :

First—Because it has a tendency to give character and respectability to



the practice of such traffic, or grocery keeping, which it would not otherwise have, and thereby it injures the cause of temperance.

Secondly—The cause of temperance is injured by such law, from the fact that when we substitute the force of law instead of those noblest virtues of the mind for the purpose of subduing an internal appetite, the appetite is strengthened and more ungovernable. An internal appetite, we conceive, cannot be restrained by the application of external force of law; hence it is a common proverb, that the more costly an article of food is, the better it suits the appetite.

The more effectual way, in the opinion of your committee, to lay restraints upon the appetites, it is cultivate the more noble faculties of the soul, which is effectually done by the present existing system of Temperance Societies; but where the force of law is used in the way of levying a heavy tax upon the gratification of the appetites, the appetites will become increased, and thereby the design of the temperance cause frustrated. The appetite must be governed by a voluntary exertion of the will, or it will not be governed at all.

Your committee, therefore, would recommend, instead of said bill, the following substitute, and ask to be discharged from the farther consideration of the subject.



## ORDER OF DAILY BUSINESS IN THE COUNCIL.

After the Journal is read, the following order shall govern :

- 1st—Petitions or memorials to be offered.
- 2d—Resolutions.
- 3d—Reports of Committees.
- 4th—Bills, Resolutions and communications on the President's table.
- 5th—Bills and Resolutions ready for a second reading.
- 6th—Bills and Resolutions on their passage.
- 7th—Reports in possession of the Council, which offer grounds for a bill.
- 8th—Bills or other matters before the Council and unfinished the preceeding day.
- 9th—The above business being despatched, the general file of bills and other papers will be then taken up agreeably to their first introduction to the Council.

## STANDING RULES.

1. The Council shall choose by ballot, one of their own number to occupy the Chair. He shall be styled President of the Council, and shall hold his office during the session of the Council at which he was elected. He shall take the chair at the hour to which the Council is adjourned and call the members to order ; and if a quorum be present he shall direct the Journal of the preceeding day to be read, and mistakes, if any, corrected. He shall preserve order and decorum, and shall decide all question of order, subject to an appeal to the Council. In committee of the whole he shall call some member to the chair, he shall have a right to name any member to perform the duties of the chair, but such substitution shall not extend beyond an ad-



journalment. He shall, unless otherwise directed by the Council, appoint all committees. He shall vote on a call of the yeas and nays. In the absence of the President, the Council may appoint a President, pro tem., to occupy the chair during such absence.

2. Any member may have a call of the Council, and absent members sent for. If upon such call, absent members cannot be found in a reasonable time, then such call shall be suspended on motion of any member of the Council.

3. All questions (except on motion,) shall be put in this form: "You who are of the opinion (as the case may be,) say Aye; those of the contrary opinion, say No;" and in all cases, any member may call for a division, or for the yeas and nays, which shall be recorded by the Secretary of the Council.

4. When a motion is made and seconded, it shall be stated by the member making the same, or read by the Secretary previous to debate. If any member of the Council shall make any motion (except to adjourn, postpone or commit) he shall reduce the same to writing upon the request of the President, or any member of the Council. Any motion may be withdrawn by consent of the Council before final decision on the same.

5. Every member present, when a question is put, shall vote, unless he shall, for special cause, be excused by vote of the Council.

6. A motion to adjourn shall always be in order, and be decided without debate.

7. When a member is about to speak, he shall rise in his place and address himself to the President; and when a member is speaking, no person shall pass between him and the President's chair, nor shall he be interrupted when speaking except by a call to order by the President, or by a member through the President. No member shall speak more than twice on any question without leave of the Council.

8. When a question is under debate, no motion shall be received but to adjourn, to lie on the table, to postpone indefinitely, to postpone to a day certain, to commit, to amend or to take the previous question; which several motions shall have precedence in the order they stand arranged.

9. The previous question shall be put in these words: "Shall the main question be now put?" and it shall be admitted on the demand of four members of the Council rising in their places for that purpose, and until decided shall preclude all amendments under debate of the main question.

10. Any member may call for a division of the question, when the same will admit thereof.

11. No committee shall absent themselves from the Council chamber by reason of their appointment, during the sitting of the Council, without special leave.

12. Every bill shall be introduced on the report of a committee, or by motion for leave, on giving at least one day's previous notice.

13. Every bill shall receive three several readings previous to its passage; but no bill shall have its second and third readings on the same day, without special order of the Council.

14. The first reading of a bill shall be for information, and if objections be made to it, the question shall be: "Shall the bill be rejected?" if no objections be made, or the question to reject be lost, the bill shall go to its second reading without further question.



15. Upon the second reading of a bill or resolution, the President shall state it as ready for commitment or engrossment; and if committed, then the question shall be whether to a select or standing committee, or to a committee of the whole House. If to a committee of the whole House, the Council shall determine on what day. But if the bill be ordered to be engrossed, the Council shall appoint the day when it shall be read the third time. No bill or resolution that requires three readings, shall be committed or amended until it shall have been twice read.
16. When a question is lost on engrossing a bill for a third reading, on a particular day, it shall not preclude a question to engross it for a third reading on a different day. On the third reading of a bill or resolution, no amendment (except to fill blanks) shall be received, except by unanimous consent of the members present.
17. When a bill or resolution is engrossed, the President shall, at the time previously appointed by the Council, announce the same as ready for a third reading, without a question.
18. A bill or resolution may be committed at any time previous to its passage; if any amendment be reported upon commitment, by any other than a committee of the whole, the bill or resolution may be again read a second time and considered as in committee of the whole, and if considered in committee of the whole, the question for its engrossment and third reading shall again be put.
19. In filling blanks, the largest sum and longest time shall be first put.
20. When the Council is equally divided on a question the same shall be lost.
21. When a motion or question has been once made and carried in the affirmative or negative, it shall be in order for any member of the majority to move for the re-consideration thereof on the same or succeeding day.
22. All acts, addresses and resolutions shall be signed by the President, and all writs, warrants and subpoenas, issued by order of the Council, shall be under his hand and seal, attested by the Secretary.
23. Petitions, memorials, and other papers, addressed to the Council, shall be presented by any member in his place; a brief statement of the contents thereof, shall be made, verbally, by the member introducing the same, and shall not be debated or decided on the day of their being first read, unless the Council shall direct otherwise, but shall be on the table (to be taken up in the order they were read) or be referred, on motion, to a committee.
24. After a bill shall have passed the Council, it shall be the duty of the Secretary of the Council so far to alter the title of the bill as to strike out the words "A Bill," and insert, in lieu thereof, the words "An Act;" it shall then be duly enrolled, after which it shall be examined by a standing committee for that purpose, who shall carefully compare the enrollment with the engrossed bill, and correcting any errors that may be discovered in the enrolled bill, shall make their report forthwith to the Council.
25. After examination and report, each bill shall be signed by the President of the Council, and presented by the committee on enrollments, to the Governor for his approbation.
26. A Secretary, Assisting Secretary, and two Transcribing Clerks, shall be appointed by a ballot, to hold their places during the pleasure of the Council; they shall take an oath for the true and faithful discharge of their duties



in their respective offices. The Secretary shall keep a correct journal of the daily proceedings, and perform such other duties as shall appertain to his office. He shall let no journal, records, accounts or papers be taken from the table or out of his custody other than by the regular mode of business of the Council; and if any papers in his charge shall be missing, he shall make report to the President that it may be enquired into. It shall be the duty of the two Transcribing Clerks to make a true record of the Journal, transcribe, enroll, copy, and engross all bills, memorials and resolutions, and to perform all other duties that the Secretary may assign them.

27. A Sergeant-at-arms, Door-Keeper, Messenger and Fireman shall be appointed by ballot to hold their offices during the pleasure of the Council; it shall be their duty to attend the Council during its sitting, and to execute the commands of the President and Council; they shall take an oath truly and faithfully to discharge their respective duties in office.

28. When a message shall be sent from the Governor to the Council, it shall be communicated to the Chair by the person by whom it is sent.

29. No person shall be elected to any office created by these rules, unless he shall receive a majority of the whole number of votes given by the members of the Council.

30. When nominations shall be made in writing by the Governor of the Territory to the Council, a future day shall be assigned, unless the Council unanimously direct otherwise, for taking them into consideration.

31. It shall be the duty of the members and officers of the Council to keep all information or remarks touching or concerning the character or qualifications of any person nominated by the Governor to office, inviolably secret, also the proceedings and business of the Council when in Executive session.

32. Before acting on confidential or Executive business, the Council should be cleared, by direction of the President, of all persons excepting the Secretary and Sergeant-at-Arms.

33. The proceedings of the Council, when they shall act in their Executive capacity, shall be kept in separate and distinct books, and no part of the Executive journal shall be published but by special order.

34. No member or officer of the Council shall read the newspapers within the bar of the Council while in session.

35. The President of the Council is authorized and required to administer all oaths prescribed by these rules.

36. Every resolution read by the Secretary by direction of a member, shall be considered to be before the Council, and the question to adopt or reject may be immediately put on such resolutions, or on motion of a member the same may be laid on the table.

37. No standing rule or order of the Council shall be rescinded or suspended, except by a vote of three fourths of the members present.

38. All bills brought into the Council by any member or committee, shall be endorsed with the name of the member or committee bringing in the same.

39. When a member shall be called to order, he shall sit down until the President shall determine whether he is in order or not; and every question of order shall be decided by the President, subject to an appeal to the Council by an appeal to the Council by any two members, and if a member be called to order for words spoken, the exceptionable words shall be immedi-



ately taken down in writing, that the President and Council may be better enabled to judge of the matter.

40. No member shall vote on any question in the event of which he is immediately and particularly interested, or in any case where he was not present when the question was put.

41. The following officers and persons present at any time during the sitting of the Council, shall be entitled to a seat within the bar : The Governor, Secretary, Attorney General of the Territory, Judges of the Supreme Court, Members of Congress, Members of the House of Representatives, former members of the Legislative Council of the Territory, and members of the State Legislatures, Editors wishing to take down the debates, and such others as the Council may direct.

42. The rules of Parliamentary Practice, comprised in Jefferson's Manual, shall govern the House in all cases to which they are applicable, and in which they are not inconsistent with the Standing Rules and Orders of the Council, and the Joint Rules of the Council and House of Representatives.

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## JOINT RULES OF BOTH HOUSES.

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1. In every case of an amendment of a bill agreed to in one House, and dissented to in the other, if either House shall request a conference and appoint a committee for that purpose, and the other House shall also appoint a committee to confer, such committee shall, at convenient hour, to be agreed on by their chairman, meet and state to each other, verbally or in writing, as either shall choose, the reason of their respective Houses, for and against the amendment, and confer freely thereon.

2. When a message shall be sent from the Council to the House of Representatives, it shall be announced at the door of the House by the door-keeper, and shall be respectfully communicated to the Chair, by the person with whom it may be sent.

3. The same ceremony shall be observed when a message shall be sent from the House of Representatives to the Council.

4. Messages shall be sent by such persons as a sense of propriety in each House may determine to be proper.

5. After a bill shall have passed both Houses, it shall be duly enrolled by the Clerk of the House, or of the Council, as the bill may have originated in the one or the other House, before it shall be presented to the Governor.

6. When bills are enrolled, they shall be examined by a joint committee of two from the Council and two from the House of Representatives ap-



pointed as a standing committee for that purpose, who shall carefully compare the enrollment with the engrossed bills as passed in the two Houses, and correcting any errors that may be discovered in the enrolled bills, make their report forthwith to the House in which the bill originated.

7. After examination and report, each bill shall be signed in the respective Houses—first by the Speaker of the House of Representatives, then by the President of the Council.

8. After a bill shall have been thus signed in each House, it shall then be presented by the said committee to the Governor for his approbation, it being first endorsed on the back of the roll, certifying in which House the same originated, which endorsement shall be signed by the Secretary of the House in which the same did originate, and shall be entered on the Journal of each House, the said committee shall report the day of presentation to the Governor, which shall also be entered on the Journal of each House.

9. All orders, resolutions and votes, which are to be presented to the Governor for his approbation, shall also, in the same manner, be previously enrolled, examined and signed; and shall be presented in the same manner and by the same committee as provided in the case of bills.

10. When a bill or resolution, which shall have been passed in one House, is rejected in the other, notice thereof is to be given to the House in which the same may have passed.

11. When a bill or resolution, which has been passed in one House, is rejected in the other, it is not to be brought in during the same session, without notice of five days, and leave of two-thirds of that house in which it shall be renewed.

12. Each House shall transmit to the other, all papers on which any bill or resolution may be founded.

13. After each House shall have adhered to their disagreements, a bill or resolution is lost.

14. When bills which may have passed one House are ordered to be printed in the other, a greater number of copies shall not be printed than may be necessary for the use of the House making the order.







# INDEX.

---

## AGENTS,

County, 160, 170.

## APPOINTMENT,

Of Standing Committees, 17.

Of Acting Commissioner at Iowa City, 25.

## APPENDIX,

Report of Territorial Agent, 255, 260.

Superintendent of Public Buildings, 270.

Director of the Penitentiary, 272.

Superintendent of Penitentiary, 274.

Superintendent of public Instruction, 278.

Warden of the Penitentiary, 289.

Committee on Common Schools, 291.

Select Committee on Grocery Licenses, 294.

## ACTS AND BILLS,

Relative to

Attachments, writs of, 113, 12, 156.

Acting Commissioner at Iowa City, 133, 138, 157, 158, 171, 210.

Agriculture, 133, 169.

Agent of Johnson County, 85.

Agent of Territory to issue bonds, &c., 90, 104, 160.

Auctioneers, &c., 105, 126, 177.

Admission into Union, 27, 34.

Board of Commissioners of Clinton County, 77, 85.

Beef and Pork, 90, 120, 150, 152, 162, 220,

Burying Ground for Iowa City, 94.

Brighton Exporting Company, 131, 139, 184.

Bloomington Insurance Company, 58, 61, 162.

County Commissioners, 32, 55, 58, 65, 78, 89, 94, 102.

Clerks of, 189, 194.

Commissioners' District in Jackson County, 50.

Custody of persons arrested for crimes, 55, 123, 127.

Costs and Fees, 80, 87, 198, 203, 204.

Criminal proceedings, 86, 94, 147, 166, 174, 182, 193.

Compensation of Members, Printers, &c., 236, 8, 9, 240.

Divorce,

Of Naomi Williams, 77, 81, 83.

Sarah East, 87, 93, 95.

Sarah Connelly, 133.

Nancy Hull, 155, 163, 201.

J E Eli, 178.

Seth Baker, 187, 194.

John Haynes, 28, 32.

Divorce and Alimony, &c., 191, 218.

Dams,

On Wapsepinecon, 66, 72, 78.



## ACTS AND BILLS,

Relative to

- Dams,
  - On Skunk, 65, 70.
  - Des Moines by G W Smith, 151.
  - Des Moines, 29, 31, 70, 18, 65.
  - Across Skunk River, 78.
- Disciplining Militia, 28, 38.
- Execution, sale of Real and Personal Estate, 133, 142, 165, 222, 223, 191, 227.
- Evidence by oath of Parties, 62, 101, 115.
- Electoral Districts, 45, 120.
- Ferry,
  - Across the Mississippi River in Jackson County, 50.
  - Scott County, 53, 56, 73.
  - By T S Sparks, 99.
  - M G Patterson, 99.
  - Ransom Long, 101.
  - Skunk River by Joseph Stovers, 116.
  - Iowa River by Brewer and Milligan, 148, 162.
  - Des Moines River, 80, 83.
- Fences and Trespassing Animals, 63, 69, 74, 78.
- Grocery License, 102, 148, 159.
- Half-Breed Lands, 79, 99, 104.
- Iowa City incorporated, 94, 101, 115.
- " Fire Engine Company, 168, 206.
- " Lots, &c., 211, 236.
- Incorporations,
  - Fort Madison, 182.
  - Davenport, 109, 161.
- Insurance Company at Farmington, 213.
- " Dubuque, 229, 234.
- " Burlington, 230.
- Illegitimate Children, 63, 91.
- Indian Country west of organized Counties, 33, 38, 40.
- " Agency, 30.
- Judgments by Confession, 72, 174.
- Judge of Probate, 78, 81.
- Jurisdiction of Supreme and District Courts, 120.
- James Davis, 203.
- Justices, 53, 54, 113, 116.
- Keosauqua incorporated, 151.
- " Bridge Company, 113.
- Loan of money on the Capitol, 77.
- Lodge at Bloomington, 97, 102, 115.
- Lands, certificates of purchase of, 97, 123. 127
- Lee County Seat, 132, 159.
- Libraries in School Districts, 139.
- Money under Distribution Law, 87.
- Mount Pleasant, 93, 95.
- " Literary Institute, 176, 167. 252
- Marks and Brands of Horses, 113.
- Methodist Church at Fort Madison, 138.
- " Marion, 62, 65.
- Muir, James, authorized to execute a deed, 138.
- Miners' Bank, 143, 144, 154, 162, 187.
- Masters in Chancery, 175.
- Maquoketa River, 217.
- Marriages, 69, 86, 96.
- Mechanics' Institute at Dubuque, 50, 52, 56.
- " Mutual Aid Association, 35, 36, 40, 50.
- Militia Law, 36, 40, 55, 61, 71.



## ACTS AND BILLS,

Relative to

- Oaths and Affidavits, 103.
- Officers of Legislative Assembly, 203, 214.
- Organization of Townships, 218, 224.
- Observance of the Sabbath, 38, 43.
- Pekaton Manufacturing Company, 114.
- Poll Tax, 122, 124, 127, 175, 189.
- Poor, relief of, 132, 157, 161.
- Penitentiary, 179, 199, 233.
- Public Buildings at Iowa City, 27, 38.
- Practice in District Courts, 181.
- Printing Laws, 242, 243, 244.
- Roads and Highways, 54, 59, 99, 94, 104.
- Rapids in Mississippi, 132, 149.
- Rachael Holcomb, 78, 79, 83.
- Religious Societies, 78, 89, 97, 154, 170.
- Road in Henry County, 73.
- Roads, Certain, 62, 95, 168, 212.
- Road, National, 132, 140, 149.
  - From Davenport to Iowa City, 73, 91, 95.
  - Marion to Tete des Morte, 86, 92.
  - Keosauqua, 97.
  - Richmond to Iowa City, 100.
  - Marion, 133, 36, 38, 63.
  - Denson's Ferry, 133.
  - Moscow, 18, 48.
  - Iowa City to Prairie du Chien, 23.
  - West Point, 38, 40.
  - Keokuck, 43, 50.
  - Marion to Lingles' Mill, 58, 67, 62.
  - Deeds' Mill, 59.
  - Delaware to Cascade, 66, 76, 78, 81.
  - J. Baldwin's, 69, 77.
- Supervisors of Roads, 98.
- Sale of Lots in Iowa City, 108.
- School Fund, 219.
- Superintendent of Public Instruction, 226, 245.
- Stallions and Jacks, no f\*\*\*\*\*g by, in the public view, 65, 69, 92.
- Supreme Court, 55, 59, 65, 92.
- State Government, 45, 55, 66, 166, 189, 196, 206.
- Selling Spirituous Liquors to Indians, 28, 35, 43, 45, 67, 76.
- Special Term of Supreme Court, 19, 28, 52.
- Trespass upon Lands, 49, 103, 115.
- Tax upon Property for Road purposes, 63, 73.
- Universalists' Society, 37, 42.
- Washington Manufacturing Company, 73, 75, 81.
- Weights and Measures, 90, 104.

## BOARDS OF COMMISSIONERS, 102.

## BLOOMINGTON,

Name of, 169.

## COMMITTEES,

- To wait on House of Representatives, 9.
- To wait upon Governor, 9.
- To draft Rules, 9.
- Standing, 17.
- On Agriculture, 21.
- Capitol, 57.

## COMMUNICATIONS,

- Of W J A Bradford, 33.
- Secretary Stull, 88.



## COMMUNICATIONS,

Of Chauncey Swan, 201.

T O Martin, Cashier of Miners' Bank, 137.

## GOVERNOR,

Message of, 10.

Of Missouri, letter of, 14.

Chambers' answer, 15.

Message of, relative to Lots in Iowa City, 20.

## GROCERIES,

License of, 151.

## JOINT RESOLUTIONS,

Relative to

Survey of Mississippi Islands, 19, 28.

Expenses of Winter of 1839-40, 19.

Donation of Lands for School purposes, 19, 28.

Carrying Mail from Iowa City to Keosauqua, 23.

Mail Route from Iowa City to Mount Pleasant, 25, 31.

Mail Route from Iowa City to Dubuque, 28, 31.

Special Messengers to carry Mail, 29.

Purchase of Indian Country, 32.

Payments to Russell &amp; Hughes, and Coriell, 35, 36, 42.

Expenses of Convention to form Constitution, 35, 38.

Sale of Surplus Statutes, 46, 43, 45, 49.

Mail Routes, 56, 61, 66, 70, 80.

Reports of Supreme Court, 59, 85, 86.

Half-Breed Reservation, 72, 77.

Miners' Bank, 100, 134, 135, 137, 143, 144.

Mail from St. Louis to Keokuck, 109, 115.

Unpaid Expenses of Legislative Assembly, 115.

Admission into the Union, 120, 126.

Post Offices, 121, 154.

Public Printing, 126.

Allowance to Walter Butler, 151.

Territorial Library, 174.

Allowance to J M Morgan, 174.

Rapids Steamboat Canal, 195.

Relief of Walter Butler, 221.

## LEFFLER, SHEPHERD,

Sworn into Office, 3.

## MEMORIALS,

Relative to

Appropriation to improve Territorial Road, 19.

Complete Penitentiary, 19, 28, 62.

Road from Iowa City to Prairie du Chien, 27, 31.

Southern Boundary Line, 29, 31, 34, 50.

Navigation of Cedar and Iowa Rivers, 34, 38.

Land Office at Marion, 42, 45.

Fairfield, 53, 55.

Iowa City, 186.

Road from Dubuque to Southern Boundary Line, 45.

Half-Breed Reservation, 45.

Military Road from Dubuque to Missouri Line, 50.

Mail Routes, 101, 110, 115.

Lands for Seminary at West Point, 102, 153.

University Lands, 103.

Relief of Jeremiah Smith, 94.

Armory at Rock Island, 209.

Montrose, 97.

## OFFICERS,

Pro Tempore, 3, 4.

Number of, 4.



## OFFICERS,

Per Diem of each, 4.  
Election of, 6, 7.

## PRESIDENT,

Pro Tempore, 3.  
Election of, 4, 5.  
Address of, 5.

## PETITIONS,

Van Buren County, 16, 79, 84, 88, 125, 130.  
Linn do 16, 48, 54, 57, 61, 64, 159, 190, 200.  
Lee do 48, 51, 173.  
Des Moines do 48, 51, 82, 84.  
Louisa do 48, 79, 93, 130.  
Muscatine, do 48, 84, 118, 130, 184, 200.  
Jones do 48, 61, 93.  
Jackson do 51, 61, 93.  
Washington do 61, 60, 125, 130.  
Johnson do 61, 64, 159.  
Cedar do 61, 64.  
Jefferson do 130, 142.  
T S Parvin, 54.  
Wm Green, 54.  
Township 76 North, Range 4 West, 64.  
Ross McCloud and N B Seely, 67.  
James M Morgan, 119.  
John M Coleman, 135.  
Bloomington, 142, 185.  
Fort Madison, 173.  
J E Eli, 173.  
Pleasant Arthur and E K Yost, 190.

## RESOLUTIONS,

Relative to  
Incidental Printing, 7.  
Allowance to B F Wallace, 8.  
T S Parvin, 8.  
Postage, 8.  
Loaning Money for Compensation of Members, 8.  
Newspapers for the Session, 9.  
Presbyterian Church, 9, 17.  
Copies of Laws, 16.  
Ministers of Gospel, &c, 17.  
Governor's Message, 18, 19.  
Allowance to L B Hughes, 21.  
Daily Slips, 21, 27, 68.  
Navigation of Mississippi, 22.  
Purchase of Lands of Sac & Foxes, 22.  
Newhall's Sketches and Maps of Iowa, 23.  
Fees of Territorial Officers, 25.  
Half-Breed Lands, 26.  
Practice in Justices' Courts, 26.  
Steam-boat Canal around Lower Rapids, 26.  
Mail Routes, 29, 33, 36, 37, 44.  
Practice, 30.  
Adjournment from 22d Dec until Jan 3d, 39, 41.  
Journals of Council, 39, 42.  
Superintendent of Public Instruction, 41, 84.  
Post Roads, 42.  
Religious Denominations, 44.  
Penitentiary, 51.  
Territorial Agent, 57.  
Allowance to G C Robbing, 59, 64, 70.



## RESOLUTIONS,

Relative to

- Justices' Law, 64, 68.
- Real Estate Sold under Execution, 64.
- Witnesses' Fees, 68.
- Wills and Testaments, 70.
- Adjournment on the 25th January, 1842, 76.
- Memorials and Joint Resolutions, 79.
- Allowance to Rev S Mazzuchelli, 80.
- Dr Reynolds,
- First Judicial District, 84.
- William H Turner, 84.
- Debts of the Territory, 84.
- Gaming, 88.
- Debts of Territory and Secretary Stull's Communication, 89.
- James W Woods, 96, 117.
- Fireman, 105.
- Reserved Sections, 107, 139.
- Edward J Darkin, 124.
- George S Hampton, 141.
- Allowance to O H W Stull, 150.
- Officers' Per Diem, 191, 214.
- Mail Route from Knoxville, via Bloomington, to Iowa City, 177.
- Capitol, 57.
- Expenses and Debts of Territory, 88.

## RULES,

- For Government of Intercourse, 18.
- Council, 18, 95.
- Additional, (ch 40) 24.

## REPORTS,

- Of Territorial Agent, 25, 31.
- Superintendent at Iowa City, 24.
- Director of the Penitentiary, 26.
- Librarian, 33.
- Superintendent of public Instruction, 61.

## REPORTS,

- Of Standing Committees, relative to
- Practice in Justices' Courts, 30.
- Communication of W J A Bradford, 37, 90.
- Road from Moscow to Marion, 58.
- Blacks and Mulattoes, 85.
- Wharf at Montrose, 97.
- T S Parvin's Claim, 145.
- Reserved Sections about Iowa City, 146.
- Name of Bloomington, 168.
- John M Coleman, 208.
- Charges against C Swan, Acting Commissioner, 215, 216, 224, 225.
- Duties of Justices of the Peace, 31.
- Territorial Library, 172.

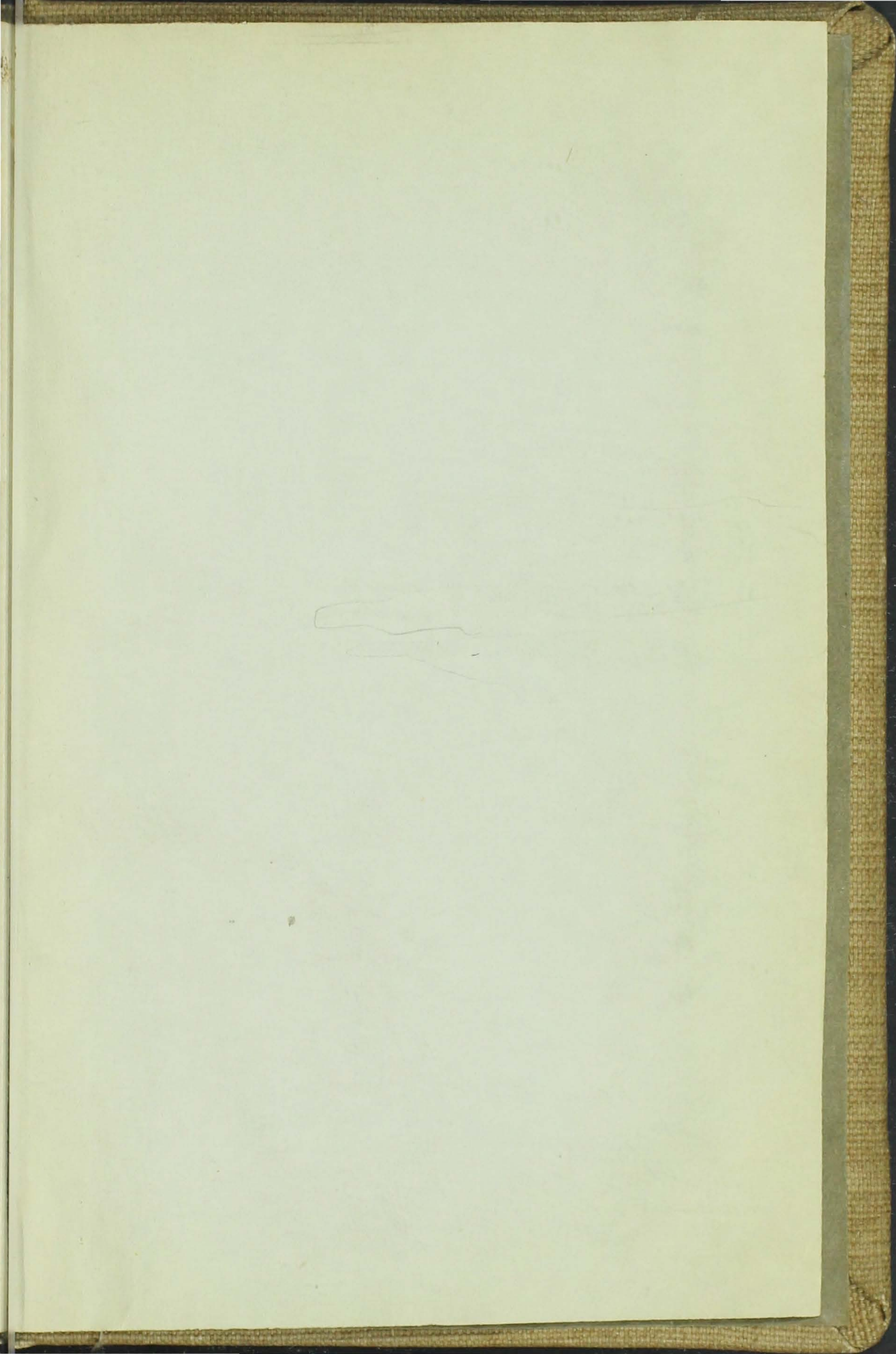
## REPORTS,

- Of Select Committees on
- Southern Boundary Line, 26.
- Grocery Licenses, 151.
- Expenses of Missouri War in 1839, 40, 29.

## SUPERINTENDENTS,

- Of Penitentiary, 179.
- Public Buildings at Iowa City, 215.
- Public Instruction, 71, 77.









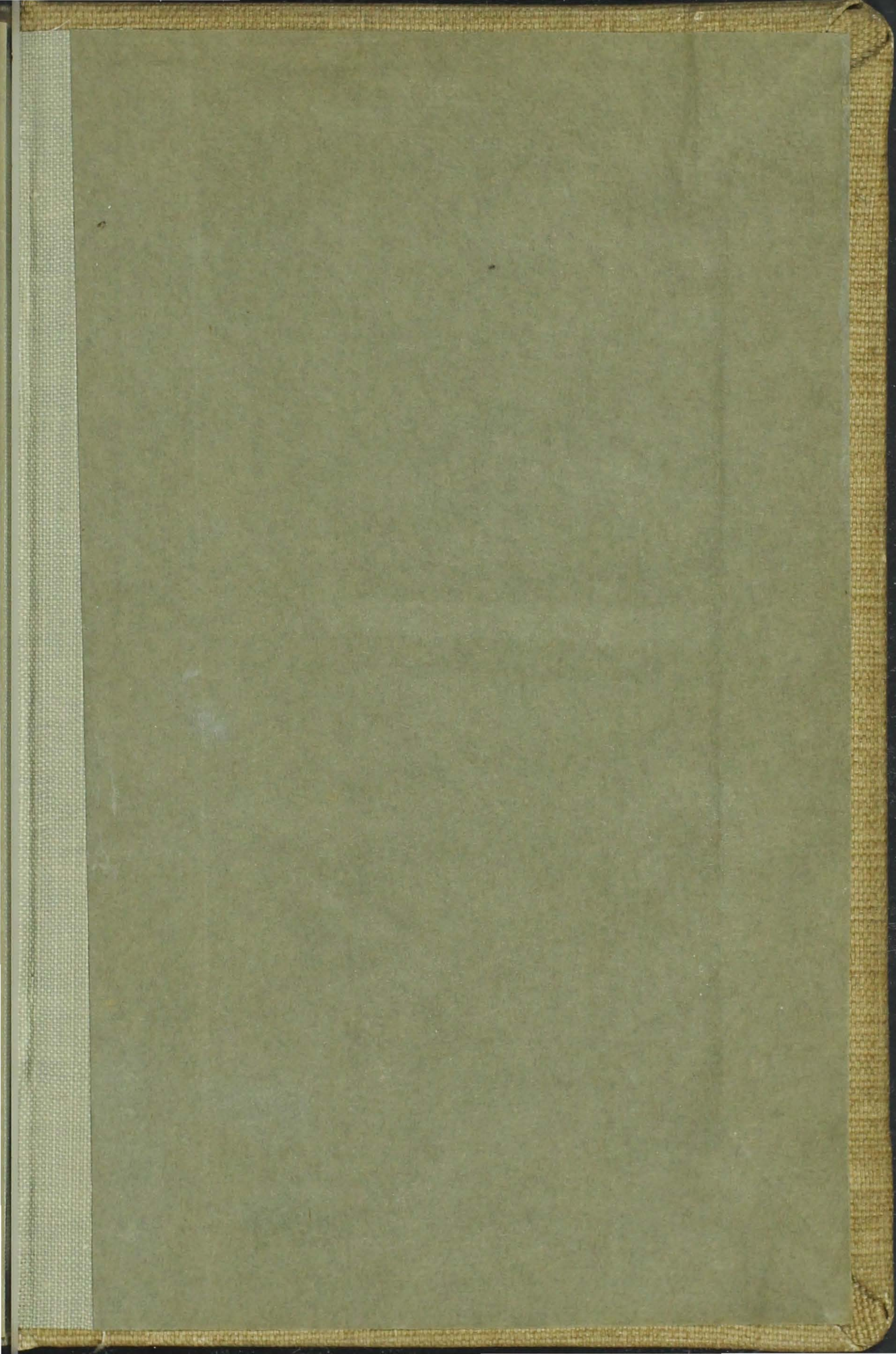














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